

**BROWN TOWNSHIP ZONING
RESOLUTION**

**KNOX COUNTY OHIO
1961
AMENDED AND REVISED**

AMENDED AND REVISED

1983

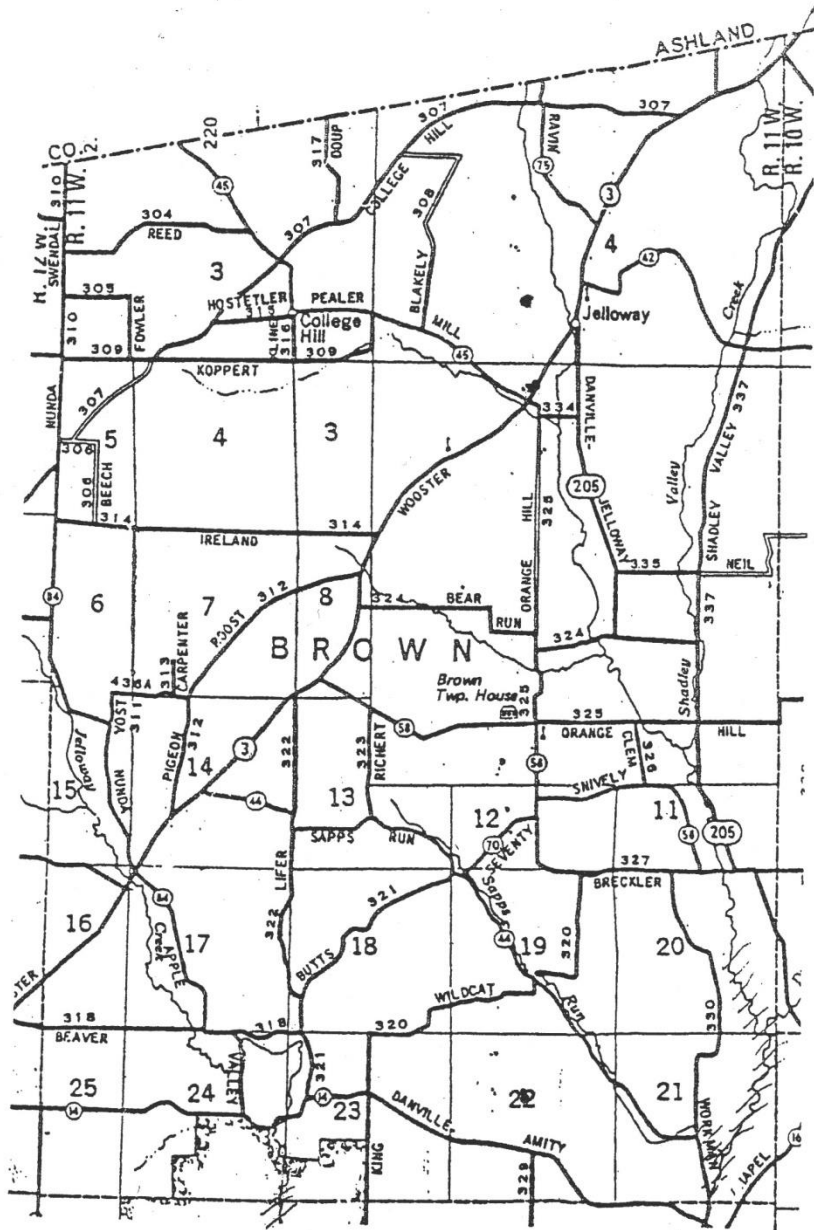
1985

1991

1996

1999

2012



/// FLOOD PLAIN

OFFICIAL MAP LOCATED IN BROWN TOWNSHIP HOUSE

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AUTHORITY AND CERTIFICATION

AUTHORITY

The authority for the creation and establishing of the Zoning Commission is contained in the provisions of Sections 519.02 to 519.25 inclusive of the Revised Code of the State of Ohio.

PETITION

The Board of Trustees of Brown Township, Knox County, Ohio, did, on the 7th day of December, 1959, receive a petition, signed by a number of the qualified voters residing in the unincorporated area of Brown Township as provided under (B) Section 519.03 of the Revised Code of the State of Ohio, said petition requesting the adoption of a resolution to proceed with and draft a Zoning Resolution.

RESOLUTION

The Board of Trustees of Brown Township, Knox County, Ohio, did on the 31st day of December 1959, adopt a resolution to proceed with the township zoning and create and establish a Zoning Commission.

ZONING COMMISSION

1. Pursuant to the provisions of Section 519.04 of the Ohio Revised Code, (ORC) the Board of Trustees of Brown Township, Knox County, Ohio, did appoint the five members of the Zoning Commission on the January, 1960, as follows:

Rodney Hayden
Russell Ramser
Richard Currens
K. D. Shaw
Ora Bross

2. The Zoning Commission was instructed by the Board of Trustees to proceed with the work in preparation of a zoning plan in accordance with the intent of the Resolution referenced in Paragraph C, and did on the 20th day of February, 1961; approve the Zoning Resolution to be submitted to the electors of Brown Township.

CERTIFIED BY ELECTORS

Pursuant to the provisions of Section 519.11 of the Ohio Revised Code, the Zoning Plan was submitted to the electors; a majority vote was received and certified to the Secretary of the State on November 15, 1961.

REVISED AND AMENDED

Pursuant to the provisions of Section 519.12 of the Ohio Revised Code (ORC), the Board of Trustees of Brown Township, Knox County, Ohio, did, adopt amendments and revisions of the 1961 Brown Township Zoning Regulations by unanimous vote, the 27th day of June, 1983; 3rd day of September, 1985; 9th day of July, 1991; and the 8th day of May, 1996.

ARTICLE I

PURPOSE AND SCOPE

1.0 PREAMBLE:

This Resolution of the Township of Brown, Knox County, Ohio, enacted for the purpose of promoting public health, safety, morals, comfort and general welfare: to conserve and protect property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements all in accordance with a comprehensive plan and the provisions of Chapters 519.1 - 519.99 Ohio Revised Code. The Board of Trustees of Brown Township finds it necessary and advisable to regulate the location, bulk, number of stories and sizes of buildings and other structures, including tents, cabins, and recreational vehicles and mobile homes, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces; providing for adequate light, air, the density of population, the uses of buildings and other structures including tents, cabins, and recreational vehicles, mobile/manufactured homes and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divide the unincorporated areas of the Brown Township into districts or zones. All in accordance with a comprehensive plan for the desirable future development of Brown Township and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described in this Resolution -- All as authorized by the Ohio Revised Code.

ARTICLE II

TITLE

2.0 BROWN TOWNSHIP, KNOX COUNTY, OHIO, ZONING RESOLUTION: This Resolution shall be known and may be cited and referred to as the "Zoning Resolution of Brown Township, Knox County, Ohio."

ARTICLE III

3.0 REQUIREMENTS AND MINIMUMS:

In their interpretation and application, the provisions of this Zoning Resolution shall be held to, be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals and general welfare. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rule or regulation, other than zoning regulations, adopted or issued pursuant to the law relating the construction and use of buildings or premises.

Where the Zoning Resolution imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, deed restrictions or agreements, the provisions herein shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed herein.

SEPARABILITY CLAUSE:

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

REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE:

All resolutions or parts of resolutions in conflict with this Zoning Ordinance 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.

AUTHORITY

The authority for the creation and establishing of the Zoning Commission is contained in the provisions of Sections 519.02 to 519.25 inclusive of the Revised Code of the State of Ohio.

4.0 INTERPRETATION

ARTICLE IV

DEFINITIONS

Certain terms are herein defined for convenience and clarity and shall be used in the interpretation of this Resolution.

1. In all instances, the word “shall” is mandatory and not directory.
2. The word “person” includes a firm, association, or corporation as well as, individuals.
3. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
4. The word “lot” includes the words: “plot” or “parcel.”

ACCESSORY USE OR STRUCTURE:

A use or structure on the same lot with and of a nature customarily incidental and subordinate to, the principal use or structure. (see illustrations lot terms page 59)

AGRICULTURE:

Agriculture is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce. The operation of any such accessory uses shall be secondary to that of normal agricultural activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

ALLEY:

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

ALTERATION, STRUCTURAL:

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

AUTOMOTIVE REPAIR:

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

AUTOTIVE, 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, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING:

The dismantling or wrecking 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 on-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 construction of a building.

BOARD:

The Board of Zoning Appeals of Brown 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 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 of the building roof.

BUILDING LINE:

See set-back 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.

CAR PORT:

An open-sided automobile shelter sometimes formed by 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.

CONDITIONAL USE:

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

CONDITIONAL USE PERMIT:

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

Commercial Recreational Facility:

Establishment engaged in providing amusement or entertainment for a fee, admission charge or donation, including but not limited to activities such as dance halls, studios, bowling alleys, billiard and pool establishments, arenas, rings, racetracks, golf courses, video arcades, amusement parks and the like.

COMMISSION:

The Brown Township Zoning Commission.

CORNER LOT:

See lot types.

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 thoroughfare.

DENSITY:

A unit of measurement; the number of dwelling units per acre of land.

1. **GROSS DENSITY:** The number of dwelling units per acre of 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.

DISTRICT:

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

DWELLING:

A dwelling is any building or portion thereof occupied or intended to be occupied for residence purposes only, but not including a tent, cabin. (Except a house trailer / mobile home / manufactured home) as defined by Ohio Revised Code 4501.1

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 residence 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 designed to be occupied by more than two families or housekeeping units.

EASEMENT:

Authorization by a property owner for the use by another, and for specified purpose of any designated part of his 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 all members are related by blood, adoption, or marriage.

FENCE:

Architectural or designer fences (shall comply with Article 5.6).

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 floodway, subject to inundation by the regional flood.

FLOOD REGIONAL:

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (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 1st 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 nearest intersecting streets, or other natural barriers.

GARAGE, PRIVATE:

A private garage is a garage intended for, and used by, the private motor vehicles of the families resident upon the premises.

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 vehicles accessories may be supplied and dispensed at retail, and is a conditional use.

GARAGE / YARD SALE:

Garage / Yard Sales display or advertise for sale of five (5) or more articles of tangible personal property within any residential district within the township.

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 employ not more than one person outside the family resident in the dwelling, and are a conditional use. Floor area devoted to such use does not exceed twenty-five percent (25%) of the total ground area occupied by the building on the lot.

HOSPITAL:

A building or portion thereof uses for the accommodation of sick, injured, or infirm persons, including sanatoria, sanatoria.

INDUSTRY:

Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

JELLOWAY, VILLAGE OF:

Plat of Brownsville (W285), Platt Addition to Brownsville (Y47), and John Nyhart addition to Brownsville (PCA-28).

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. (Refer to Ohio Revised Code Chapter 4737)

KENNEL:

Any structure or premises on which five 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 or 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.

LOT:

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.

1. **LOT CORNER:** A corner lot is lot abutting upon two (2) or more streets at their intersection.
2. **LOT DOUBLE FRONTAGE:** A double frontage lot is a lot having a frontage on two (2) non-intersecting streets.
3. **LOT DEPTH:** Lot depth is a mean horizontal distance between the front and the rear lot lines.
4. **LOT LINE FRONT:** The front line is the line separating the lot from a street.
5. **LOT LINE REAR:** The rear lot line is the line opposite and most distant from the front lot line.
6. **LOT LINE SIDE:** The side lot line is any line other than a front or rear lot line.
7. **LOT WIDTH:** Lot width is the width of the lot measured at the building line.

LOT, MINIMUM AREA OF:

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

LOT OF RECORD:

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

MANUFACTURING, LIGHT:

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

MANUFACTURING, EXTRACTIVE:

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

MOBILE HOME:

A structure designed to be used for human habitation or storage of property, not leaving a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place. [Exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet.]

MOBILE HOME / MANUFACTURED HOME BECOMING A PERMANENT RESIDENCE:

Structure shall meet square footage requirements and be placed on a foundation or pillars as stated in Article VII, meeting all regulations as set forth in this Resolution and by the County of Knox.

MOBILE HOME / MANUFACTURED HOME TEMPORARY RESIDENCE:

Structure, meeting square footage requirements and other regulations of this Resolution, issued to the occupant and or resident as temporary housing for a period of two (2) years.

MOBILE HOME / MANUFACTURED 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 roadway, building structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

NON-CONFORMITIES:

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

1. **NON-CONFORMING USE OF BUILDING:** The non-conforming use of a building or structure devoted to or occupied by a use that does not conform to the provisions of this Resolution for the district in which it is located.
2. **NON-CONFORMING USE OF LAND:** Is a tract, parcel, or site devoted to or occupied by a use that does not conform to the provision of this Resolution of the district in which it is located.
3. **NON-CONFORMING USE OF LOTS:** Lots that do not meet requirement for minimum width and / or area.
4. **NON-CONFORMING STRUCTURES:** Those buildings, billboards, swimming pools, etc. which do not conform to the yard or height provisions of the Zoning Resolution.

NURSERY, NURSING HOME:

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

OPEN SPACE:

An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, other recreational facilities that the Zoning Commission deems permissive. Street, parking areas, structures for habitation, and the like, shall not be included.

PARKING LOT, COMMERCIAL:

A commercial parking lot is an area of one (1) or more “parking spaces” designed or used for the parking of self-propelled vehicles and horse drawn vehicles and available to the public whether for a fee or as an accommodation to clients or customers.

PARKING SPACE:

Is 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 vehicles.

PERSONAL SERVICES:

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, and similar activities.

PORCH; INCLUDING 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, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

PUBLIC USES:

Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY:

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

QUASI PUBLIC USE:

Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION CAMP:

An area of land on which two or more travel trailers, campers, tents, or other similar temporary 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 VEHICLES / TRAILERS:

A trailer, recreational vehicle is any vehicle or structure, constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

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 products or related products produced on the premises upon which such a stand is located.

SET-BACK LINE:

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

SEWERS, CENTRAL OR GROUP:

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

SEWERS, ON-SITE:

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

SIDEWALK:

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

SIGN:

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

1. **SIGN, ON-PREMISE:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **SIGN, OFF-PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. **SIGN, LIGHTING DEVICE:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **SIGN PROJECTING:** Any sign which projects from the exterior of a building.

STORY:

That portion of a building, other than a cellar / basement including 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 wail plates of which on at least two (2) opposite exterior wail are not more than four (4) feet above the floor of such story.

STREET:

A street is a public right-of-way fifty (50) feet or more in width which provides a public means of access to an abutting property; any public right-of-way not less than thirty (30) feet in width which existed prior to the enactment of this Resolution. The term “street” shall include avenue, drive, circle, road, highway, or similar terms.

STREET, THOROUGHFARE, OR ROAD:

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

1. ALLEY: (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 end open to traffic and the other end terminating in a vehicular turnaround.
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.

STRUCTURE AND STRUCTURE ALTERATION:

A structure and structure alteration is anything constructed, the USE of which requires location on the ground, or attached to something having a permanent location on the ground, among other things, structures include building, mobile homes, walls, billboards, boat docks, swimming pools, and buildings on skids.

SUPPLY YARD:

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

TOURIST HOME / MOTEL:

A tourist home / motel is a group of attached or detached cottages, cabins, or similar buildings containing individual sleeping or living units for the accommodation of transient guests. The term shall be interchangeable with auto courts, motels, and motor lodges.

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 is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

YARD:

An open space on the same lot with a principal building open, unoccupied, and unobstructed by buildings except as otherwise provided in this Resolution.

1. **FRONT YARD:** is an open space extending the full width of the lot between any part of a building and the front lot line.
2. **REAR YARD:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **SIDE YARD:** The side yard is an open space extending from the front yard to the rear yard between a building and the side lot line. The width of a side yard is the shortest distance measured horizontally between any part of a building and nearest side lot line.

ZONING CERTIFICATE / PERMIT:

A document or written statement issued by the Zoning Inspector authorizing the use of lots, the construction of buildings, structures, uses of land, and structures and the characteristics of the uses or the establishment of uses permitted in this Resolutions.

ZONING INSPECTOR:

The Administrative Officer or his / her authorized representative, as appointed by the Board of Township Trustees of Brown Township to enforce and carry on the provisions of this Resolution,

ZONING MAP:

The zoning map or maps of the Township together with all amendments subsequently adopted.

ARTICLE V

DISTRICTS AND GENERAL PROVISIONS

5.0 DISTRICTS:

The Township is hereby divided into two (2) districts known as:

- FR-1 General Residential District
- FP Flood Plain District

5.1 ZONING MAP:

The districts and boundaries thereof are established as shown on the Zoning Map, which map, together with all notations, references, data, district boundaries, and other information shown thereon, shall be part of these Regulations. The Zoning Map, properly attested shall be and remain on file in the office of the Township Clerk.

5.2 DISTRICT BOUNDARIES:

The district boundary lines on said map are intended to follow either streets or alleys 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 line shall be construed to be the boundary of the district, unless such is otherwise indicated on the map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing of the Zoning Map or by dimensions.

5.3 COMPLIANCE WITH REGULATIONS:

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

- A. Zoning Permit required (see 12.3)

5.4 REAR DWELLING: omitted

5.5 STREET FRONTAGE REQUIRED:

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lots abuts for at least 210 feet on a street; and there shall not be more than one single-family dwelling for such frontage unless such converted into a two-family under 5.24.

5.6 TRAFFIC VISIBILITY ACROSS CONER LOTS:

In any "FR-1" district on any corner lot, no fence, structure, signs, or plantings shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines) which interferes with traffic visibility across the corner.

5.7 OFF-STREET PARKING AND LOADING:

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

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 these regulations.

5.9 UNSAFE BUILDINGS:

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

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 TEMPORARY HOUSEING:

A recreational vehicle or motor home, garage, basement, or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than six (6) months and may be renewed not more than twice.

1. A separate zoning certificate shall be required for the use of a temporary structure subject to renewal by an approval of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure.
2. Issued to and applied for by the occupant/resident.
3. Fees: Shall be charged in accordance with the orders and direction of the Brown Township Board of Trustees (see Article XII).
4. 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 POSTED.
5. Mobile home as temporary structure: Shall be equipped with a foundation:
 - a. Cement block pillars set on concrete, 30” or below frost line, place 8; on center.
 - b. Tie-downs per State of Ohio standards.
 - c. Siding to ground of approved non-flammable building material.
 - d. Said temporary structure shall be removed not later than THIRTY (30) days) after expiration of said permit.

5.12 TEMPORARY VISITORS ZONING CERTIFICATE:

Recreational vehicles or motor homes temporarily used as a residence by a visitor for a period of 90 days on occupied property, owned, leased, or rented by a Brown Township resident is permitted that:

1. All provisions of Knox County Health Board are to be complied with regarding water and sanitary system.
2. Joint application is filed with the Zoning Inspector by the aforesaid property resident and the recreational vehicle or motor home owner within twenty-one (21) days after arrival on the property.
3. Fees shall be charged in accordance with the orders and direction of the Board of Township Trustees.
4. Issued for a period of ninety (90) days subject to renewal by the Zoning Board of Appeals.

5.13 TENTS:

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

5.14 HOSPITAL:

Hospital or sanitarium shall be permitted providing that any such hospital or sanitarium shall have a lot of area of not less than five (5) acres and a frontage on a public thoroughfare of not less than seven hundred (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 at least three hundred (300) feet clearance on each site and to the rear of said building.

5.15 AGRICULTURAL:

Agriculture may be conducted on lots less than five (5.00) 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)

A. MOBILE HOMES/CAMPERS/TRAILERS/AND RECREATIONAL VEHICLES CAN NOT BE USED AS AGRICULTURE OUT BUILDINGS OR ACCESSORY BUILDINGS.

5.16 PUBLIC UTILITIES AND RAILROADS:

The regulations shall not apply to public utilities or railroads.

5.17 ACCESSORY BUILDINGS:

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

A. MOBILE HOMES/CAMPERS/TRAILERS/AND RECREATIONAL VEHICLES CAN NOT BE USED AS AGRICULTURE OUT BUILDINGS OR ACCESSORY BUILDINGS.

- 5.18 SANITARY SYSTEM AND WATER SUPPLY:
 Must show and receive the approval of the Knox County Health Department for the design, location, and capacity of the sanitary system and method of water supply.
- A. Water system and sanitary server facilities, whether community or individual must be approved by the County of Knox and / or the State of Ohio Health Department and certificate posted. Construction will not be allowed until completion of central sewer and water systems.
- 5.19 BOAT DOCKS:
 No permit will be needed for boat docks in Brown Township.
- 5.20 CAR PORT:
 May be added to a building as long as it doesn't infringe on the lot regulations. Enclosing of this structure will change use and, therefore, will require a permit.
- 5.21 PORCHES: The addition of an unenclosed porch, deck, or patio to a building or dwelling is an allowable use and, therefore, requires a permit. Enclosing of porch, deck, or patio will change its USE, increase the living cubic content and, therefore, require a permit.
- 5.22 JELLOWAY:
 For the purposes of determining setbacks
 SIDE LOT LINE SETBACK: 10% width of lot for SIDE LOT LINE SETBACK or 10 feet, whichever comes first.
 FRONT LINE: 30 feet setback (due to state right-of-way).
 BACK SETBACK: 15 feet or 10% of length whichever comes first.
- 5.23 OUTSIDE COMPLETED
 All dwellings and structures shall have the outside completed with material designed for exterior finish and painted, stained, etc. within 2 years.
- 5.24 CONVERTED INTO TWO FAMILY DWELLING:
 If unit is converted, and its USE changes into a two (2) Family Dwelling, A Conditnional Use Permit and Zoning Permit is required. Appropriate sewer and water permits shall also become part of Two Family Dwellings must have a separate entrance.
- 5.25 UTILITY BUILDINGS:
 No larger than a 12' x 14' and/or no higher than 13.5' height, whether on a foundation or skids will not require a permit. Building MUST comply with other regulations set forth in this book and must comply with front, back, and side set-back lines. Utility Buildings will not be joined. Only one (1) Utility Building is allowed on any one parcel.
- 5.26 PROHIBITED USES: SEE ARTICLE 7.3
- 5.27 SWIMMING POOLS:

See Local Health Department for necessary County Health Permit and Regulations. All swimming pools, whether in or above ground must comply with front, back, and side set back lines.

5.28 GARAGE/YARD SALES:

1. GARAGE/YARD SALES are not a prohibited use.
2. GARAGE/YARD SALES are permitted:
Not more than 3 garage / yard sales at the same location will be permitted in any one calendar year and not more frequently than one in any month.
3. A GARAGE/YARD SALE shall not be conducted for more than seven (7) consecutive days.
4. ALL GARAGE/YARD SALE signs must be removed within 24 hours after GARAGE/YARD SALE.

ARTICLE VI

NON-CONFORMITIES

6.1 EXISTING NON-CONFORMITIES:

Non-conformities existing at the time Zoning Resolution or amendment takes effect may be continued, although such lot, use of land, building or use of structure does not conform to the provisions of this Resolution of the district which it is located.

- A. NON-CONFORMING LOTS: Non-conforming lots do not meet the requirement for minimum width and/or area. Owners of single lots of this type should be permitted to construct a single family house on the lot. PROVIDED that setback and side yard requirements are met. However, if a series of adjacent nonconforming lots are in the same ownership, the lots should be recombined and then divided to conform to the lot requirements.
- B. NON-CONFORMING USES OF LAND: Non-conforming uses of land are those uses of land not containing substantial buildings and which do not conform to the permitted uses allowed in the zoning district.
- C. NON-CONFORMING STRUCTURES: Non-conforming structures are those buildings, billboards, and swimming pools which do not conform to the yard or height provisions of the Zoning Resolution.
- D. NON-CONFORMING USES OF STRUCTURES: Non-conforming uses of structures (or structures and land in combination) involve the use of the building for a purpose not permitted in the zoning district involved.

6.2 NON-CONFORMING USES OF BUILDINGS:

A non-conforming use at the time the Zoning Resolution takes effect may not be expanded so as to extend said non-conforming use.

- 1. SUBSTITUTIONS: Furthermore a different non-conforming use may not be substituted for another non-conforming use existing on the effective date of the Zoning Resolution.
- 2. NON-CONFORMING USE MADE TO CONFORM: Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

6.3 DISCONTINUANCE OF NON-CONFORMING STRUCTURES, NON-CONFORMING USE OF LAND, AND NON-CONFORMING USE OF STRUCTURES:

A use that is discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

6.4 CONSTRUCTION STARTED — NON-CONFORMING LOT, USE OF LAND, USE OF STRUCTURE, AND STRUCTURES:

Any building arranged, intended or designed for a non-conforming 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 non-conforming use, providing it is done within one (1) year after the zoning takes effect.

6.5 REPLACING DAMAGED BUILDINGS (non-conforming use of land, use of structures, and structures):

Any building, use of structure existing as a non-conformity at the time Zoning Resolution takes effect, which is destroyed by fire or the elements may be reconstructed and restored PROVIDING the same non-conforming use and cubic content is done within one (1) year from the date of said destruction under the same ownership or heirs of the deceased.

A. Cubic content may be increased if provisions of 6.7 are followed and any necessary permit issued.

6.6 REPAIRS AND MAINTENANCE:

Repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, or use structure PROVIDING that the cubic content existing when it became non-conforming shall not be increased.

6.7 ALTERATIONS, ENLARGEMENTS OF STRUCTURES:

A. Structures may be altered or enlarged providing the alterations or enlargement do not further infringe on the reason of non-conformity.

B. Such alterations and enlargements will be allowed only if the existing building is structurally sound.

C. All enlargements must comply with existing regulations and a permit be obtained from the Zoning Inspector.

ARTICLE VII

FR-1 RESIDENTIAL

7.0 PURPOSE:

The purpose of the Farm Residential District created within Brown Township is to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained.

APPLICATION:

All lots in subdivisions which are located within the limits of Brown Township, Knox County and which were duly recorded upon the plat thereof in the Plat Records of the Knox County Recorder's Office, Knox County, Ohio, at the effective date of this amendment to the Brown Township Zoning Resolution shall be considered legal residential lots and nothing in this resolution shall be construed to prohibit the use thereof for residential purpose.

7.1 USES PERMITTED IN THE FR-1 DISTRICT:

A. AGRICULTURE:

1. Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the uses of agricultural purposes of the land on which such building shall be located, but, RESIDENTIAL and AGRICUTURAL buildings shall conform to the regulations contained in this Resolution.
2. Agriculture may be conducted on lots less than 5.00 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 building incidental for such use.

B. Single family dwellings including underground homes, NOT basement homes, or two-family dwellings and buildings accessory thereto.

C. Churches, schools, fire station, publicly-owned park, publicly-owned playground, college or university, museum, community center, township hall, public library, non-profit swimming pool.

D. Projects specifically designated for watershed protection, conservation of soil or water or for flood control.

E. Complies with Knox County Health Department regarding water and sewer systems or the Knox County Water and Waste Water Department and a Certificate POSTED.

7.2 MOBILE HOMES / MANUFACTURED HOMES:

1. One occupied manufactured home per parcel tract or lot.
2. Shall be equipped with a foundation.
 - a. Basement

- b. Or concrete slab, minimum thickness 4” with footers full perimeter.
- c. And/or cement block pillars set on concrete, 30” or below frost lines place 8’ on center.

- 3. Tie-downs per State of Ohio standards.
- 4. Complies with all zoning regulations as state in this resolution.
- 5. Complies with Knox County Health Department regarding water and sewer system and certificate posted.
- 6. Siding to ground of approved non-flammable building material.
- 7. Placement or replacement of a manufactured home.
- 8. Pre-manufactured or factory built homes must arrive on site conforming to minimum standards of width, depth, and square feet prior to further modification.

7.3 **PROHIBITED USES:** The following uses shall be deemed to constitute a nuisance and shall not be permitted in an “FR-1” District:

- 1. Bulk petroleum station with tanks above ground.
- 2. Distilling of bones, fat or glue, glue or gelatin manufacturing.
- 3. Manufacture, storage or sales of explosives, gun powder, or fireworks.
- 4. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, of dead animals, except such as results from normal use unless such dumping is done at a place of premises provided by the Township Trustees for such specific purpose.
- 5. Slaughter houses.
- 6. Commercial aviation fields.
- 7. Mobile/Manufactured Home Parks, tourist camps, campgrounds, cabins for transient use.
- 8. Brewery and distillery.
- 9. Junk yards, automobile graveyards, auto storage, two (2) or more outside unlicensed vehicles (1 year from date of expired license) (refer to Ohio Revised Code Chapter 4737)
- 10. Manufacturing of fertilizer.
- 11. Storage of used building materials.
- 12. Dumping industrial chemicals, toxic waste, or radioactive materials.
- 13. Flea Markets.
- 14. ADULT VIDEO AND OR ADULT BOOK ESTABLISHMENTS
- 15. Multiple Family Dwellings.

7.4 **CONDITIONAL USES:**

Any new construction in an approved conditional use permit will require another public hearing.

Within the FR-1 Zoning District the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XIV of this Resolution.

Conditionally permitted uses shall be considered and declared abandoned if said Use or Uses are not commenced within one (1) year or are discontinued for a period in excess of one year.

Unless the Conditional Use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed.

No Conditional Use shall be implemented until a "Permit of Compliance" is issued by the Zoning Inspector.

PERMITTED CONDITIONAL USES:

1. Two Family Dwellings or conversion of existing residential structures to permit occupancy by two families, Group Homes, Bed and Breakfasts.
2. Stores and shops for conducting any mercantile businesses or public services including but not limited to:
 - a. Any conditional use permitted in an "FR-1" District, but having no limitation on number of employees.
 - b. **BUILDING TRADES OR EQUIPMENT:**
Building supplies, including but not limited to: electrical, plumbing, hearing, sheet metal, welding, cabinet and/or wood working shops, hardware, insulation, warehouses, including rental of storage space.
 - c. **SERVICES, GENERAL:**
Barber shops, beauty shops, health and beauty aids, tanning, exercise, shoe repair and sales, furnace cleaning, wood burning stoves, engine repair, lock shop, furniture, used furniture, appliances sales and repair, office supply, computer sales and repair, food products, baker, candy, floral, fabrics, sewing, crafts, musical, printing and screening, job printing, newspaper printing, ice storage and sales.
 - d. **AUTOMOTIVE AND RELATED USES:**
Gasoline filling station and service station providing storage tanks are underground (Must follow EPA regulations and provide copy of approved paperwork with permit,) motorcycle and bicycle shops, auto body work, farm machinery, tractor repair, and parts, painting of vehicles, enclosed storage areas for boats, and/or vehicles.
 - e. Kennels and Veterinary establishments, animal grooming.
3. Bank, Lodge Hall, funeral home, office or office building, or studio
4. Dairy, locker plants.
5. Storage buildings, including boat storage.
6. General Business, manufacture use.
7. Commercial Recreational Facilities
8. Signs exceeding 20 square feet as permitted in Article II, #E

9. HOME OCCUPATIONS:

- A. An occupation conducted in a dwelling unit provided that:
 - 1. No more than one (1) person other than members of the family residing on premises shall be engaged in such occupation.
 - 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five (25%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - 3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign.
 - 4. Advertising sign does not exceed 20 square feet in total area and does not extend higher or wider than ten (10) feet above ground level providing such use is not objectionable due to location, appearance and is in accordance with Article XI.
 - 5. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article X.
 - 6. Such use is not objectionable due to noise, hours of operation, traffic generated, vibration, 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. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage of use hazardous materials in any concentration greater than that would normally be found in a dwelling containing no home occupation and other nuisance detectable to normal senses off the premises.
- B. Occupation such as seamstress, office of an architect, attorney at law, minister, physician, or realtor, related arts and crafts, small engine mechanic, hair dresser, barber, and personal services are included but need not be limited.
- C. Such use is permitted after issuance of a conditional use permit by the Board of Appeals in accordance with the procedure specified in Article XVII.

The above uses shall be permitted provided such USE is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flames, explosion hazard, vibration, electrical interference, visual or audible interference in radio or television receivers, or fluctuations in line voltage.

Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall no be objectionable to surrounding areas.

Waste materials, solid or liquid shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable in writing from the Knox County Department of Health and/or Knox County Water and Waste Water and do not create a burden on adjoining property.

7.5 MINIMUM LOT AREA:

Water system and sanitary sewer facilities, whether community or individual must be approved by the County of Knox or the State of Ohio Health Department, and the Certificate posted.

- A. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than three (3) acres and a lot width not less than two hundred ten (210) feet of frontage on public road. The lot depth shall not exceed three (3) times the lot width, unless such lot was designated on a recorded plat or separately owned at the time the Zoning Resolution takes effect and cannot practicably be enlarged to conform to this requirement, with the exception of 1.
 - 1. Minimum lots size of not less than ten thousand (10,000) square feet in subdivisions when central sewer systems are provided and installed.
- B. Two-family dwellings shall not be erected or a building altered into apartments to accommodate more than one family for each Three (3) ACRES of lot area.
- C. Lot area computations shall start at the center of the right-of-way unless previously recorded.
- D. THREE TO ONE RULE;
 - 1. Three (3) Acre – 210’ frontage
 - 2. 3 to 1 applies up to and including 5 acres, minimum frontage 210 feet
 - 3. Over 5 acres 3 to 1 does not apply as long as frontage is 300 feet or more.

7.6 SETBACK LINE:

No building or structure of 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. **RIGHT-OR-WAY LINE MEASUREMENT IS PREDETERMINED AND DESIGNATED BY THE COUNTY OF KNOX OR THE STATE OF OHIO.** Where there is no established right-of-way line for any road or street, said line shall be deemed to be thirty (30) feet from the center of the road.

A. JELLOWAY: 30 Feet setback (due to STATE right-of-way).

7.7 BUILDING LOCATION — 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-twenty-five (125) feet, unless such lot was designated on a recorded plat or separately owned at the time of the Zoning Resolution takes effect and cannot be practicably enlarged to comply with requirements. AMENDED JULY 27, 1983

7.8 OMITTED

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 twelve hundred (1200) square feet of gross ground floor area, exclusive of breezeways, porches, terraces,

and garages, and shall not be less than TWENTY (20) feet in width or depth, whichever is smaller dimension, if with basement. If without basement, no single family dwelling shall be erected with less than twelve hundred (1200) SQUARE FEET OF GROSS GROUND FLOOR AREA.

- B. 1. No two-family dwelling with a basement, shall be erected with less than twelve hundred(1200) square feet of gross ground floor area and a gross floor area of (1200) square feet of gross ground floor area exclusive of breezeways, porches, terraces, and garages. Without a basement, no two-family unit/dwelling shall be erected with less than twelve hundred (1200) SQUARE FEET OF GROSS GROUND FLOOR AREA per family exclusive of breezeways, porches, terraces, and garages. No two-family unit shall be less than TWENTY (20) feet in width or depth whichever is the smaller dimension. Each two-family unit must have a separate entrance.
- 2. Pre-manufactured or factory built homes must arrive on site conforming to minimum standards of width, depth, and square feet prior to further modification.

7.11 SIDE YARDS / SIDE LOT LINE:

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

A. JELLOWAY: For the purposes of determining setbacks, 10% width of lot for SIDE LOT LINE SETBACK or 10 feet, whichever comes first.

7.12 CORNER LOTS: The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces.

7.13 REAR YARD: For every building erected in an “FR-1” District and 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.

A. JELLOWAY: Back Setback is 15 feet or 10% of length, whichever comes first.

7.14 ACCESSORY OR DETACHED BUILDINGS:

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

ARTICLE VIII

FLOOD PLAIN DISTRICT

8.0 The purpose of the Flood Plain District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows and to minimize the expense and inconvenience to the individual property owners and the general public thought flooding.

8.1 USES PERMITTED:

In this district are generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of floodwaters. All structures associated with these uses are PROHIBITED with the exception of boat docks.

8.2 PROHIBITED USES:

All structures associated with these uses are PROHIBITED with the exception of Boat Docks PROHIBITED USES AS OUTLINED IN ARTICLE 7.3

8.3 CONDITIONAL USES:

Conditional Uses shall PROHIBIT ALL structures and shall not hinder the movement of flood waters.

8.4 NON-CONFORMING USES:

Non-Conforming Uses shall comply with all requirements in ARTICLE 6. CUBIC CONTENT MAY NOT BE INCREASED – (6.5 A)

8.5 ZONING MAP:

The OFFICIAL Zoning Map indicating Flood Plain District is maintained in the Brown Township House.

ARTICLE IX

SPECIAL PROVISIONS

9.1 PERFORMANCE STANDARDS:

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

- A. FIRE HAZARDS: Any activity involving the use of flammable or explosive material shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- B. RADIOACTIVITY OR ELECTRICAL DISTURBANCES: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. NOISE: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. VIBRATION: No vibration shall be permitted which is discernible on any adjoining lot or property.
- E. SMOKE: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
- F. ODORS: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- G. AIR POLLUTION: No pollution of air by flyash, dust, vapor, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling.
- H. GLARE: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
 - 1. EXTERIOR LIGHTING: Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- I. EROSION: No erosions, by either wind or water shall be permitted which will carry objectionable substances to neighboring properties.
- J. WATER POLLUTION: Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.
- K. WASTE MATERIALS: Waste materials, solid or liquid shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable in writing from the Knox County Department of Health and /or Knox County Water and Waste Water and do not create a burden on adjoining property.

9.2 ENFORCEMENT PROVISIONS:

All uses existing on the effective date of this Resolution shall conform to these performance requirements within two (2) years, provided that an extension of up to six (6) months may be granted by the Board. Extensions may be granted by the Board if the

owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

TELECOMMUNICATIONS TOWER ZONING RESOLUTION

A. DEFINITIONS

[§ 519.21.1] § 519.211 Limitations on Zoning power; Telecommunications Towers.

(A) Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any board of township trustees or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

(B)(1) As used in this division, "TELECOMMUNICATIONS TOWER" MEANS ANY FREESTANDING STRUCTURE, OR ANY STRUCTURE TO BE ATTACHED TO A BUILDING OR OTHER STRUCTURE, THAT MEETS ALL OF THE FOLLOWING CRITERIA:

- (a) The free-standing or attached structure is proposed to be constructed on or after the effective date of this amendment.
- (b) The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- (c) The free-standing or attached structure is proposed to be located in an unincorporated area of a township. in an area zoned for residential use.
- (d)(i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
- (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
- (e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

(2) **Sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height.** However, the power so conferred shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.

- (3) Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide both of the following by certified mail:
- (a) Written notice to each owner 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, stating all of the following in clear and concise language:
 - (i) The person's intent to construct the tower;
 - (ii) A description of the property sufficient to identify the proposed location;
 - (iii) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

- (b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.
- (4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (B)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

ALTERNATIVE TOWER STRUCTURE:

Clock towers, sculptures, steeples, light poles, silos and similar alternative design mounting structures that conceal the presence of antennas or towers and architecturally comparable with the area.

CELLULAR OR WIRELESS COMMUNICATIONS ANTENNA:

Shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground wired communication systems including both direction antennas such as panels, microwave dishes and satellite dishes and Omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

CELLULAR OR WIRELESS COMMUNICATIONS TOWER:

Any free standing structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers and /or monopole towers. The term includes radio and television transmission towers, personal communication towers (PCS), microwave towers, common-carrier towers, cellular phone towers, alternative towers structures and the like. This definition does not include any structure erected solely for residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

TOWER HEIGHT:

Shall mean the height from the base of the structure to its top; including any antenna located thereon.

II. GENERAL GUIDELINES & REQUIREMENTS PURPOSE & GOALS

The purpose of this resolution is to establish general guidelines for the siting of towers and antennas. The goals of this resolution are to:

1. Encourage the location of towers in non-residential/non-historical areas and minimize the total number of towers throughout the community.
2. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
3. Encourage strongly the joint use of new and existing tower sites.
4. Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal and encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

III. INVENTORY OF EXISTING SITES

Each applicant for approval of an antenna and or a tower shall provide the zoning inspector an inventory of its existing antennas and towers that are within the township area; including specific information about the location, height and design of each tower or antenna. Applicants are encouraged to submit an inventory of potential future tower sites within the township. The township may share such information with other tower applicants intending to locate towers or antennas within the township. This is provided that the township is not, by sharing such information, in any way representing or advocating that such sites are available or suitable.

IV. USE REGULATIONS FOR CELLULAR / WIRELESS COMMUNICATION TOWERS AND ANTENNAS

The following uses shall apply to cellular or wireless communication antennas and towers:

A. Installing an antenna on an alternative tower structure (such as a building, light pole, water tower, utility pole or other free standing, non-residential structure that is no less than (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure and subject to a finding that they do not create hazards to aviation, property or persons.

Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which is compatible with the structure on which it is located and placed in a way that most minimizes any adverse visual impact.

B. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the township zoning district in which the antenna or tower is located. Associated building shall not be used as an employment center for any worker *or residence*. This provision does not prohibit the periodic maintenance or monitoring of equipment of instruments.

C. (1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

(2) As used in division (C) of this section:

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

V. CELLULAR OR WIRELESS COMMUNICATIONS TOWER STANDARDS

A. The cellular or wireless communication tower applicant is required to provide evidence that it has investigated and exhausted all other possible options for collocation with another facility or attachment to another structure. The applicant is required to provide written proof that it has contacted the owners of all other possible locations including those of other tall structures (smoke stacks, water towers, buildings antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles) within a one (1) mile radius of the proposed site and asked for permission to install the cellular communications equipment on those structures and was denied for reasons other than economic ones.

The township may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

SETBACKS FROM THE BASE OF THE TOWER

If a new cellular or wireless communications tower is to be constructed the minimum distance between the base of the tower or any guy wire anchors and any existing off-site residence or previously platted residential lot lines shall be the greater of the following:

1. The minimum setback required in the township zoning district
2. A distance equal to the height of the tower.

LOT SIZE

The minimum lot size requirement shall be the minimum lot required accommodating the setback requirements for the tower height and supports.

SITE PLAN AND PROPOSAL REQUIREMENTS:

A FULL SITE PLAN SHALL BE REQUIRED FOR ALL PROPOSED CELLULAR OR WIRELESS COMMUNICATION SITES, AT A SCALE OF 1 INCH TO 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 right-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 cellular or wireless communications tower and all support structures including all dimensions, heights and the floor area of any support buildings or structures.
6. The locations 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, fences, walls and vegetation.
8. All existing and proposed utilities including types and grades.
9. The project schedule.
10. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular communications tower 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, and use 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.
12. Evidence that the proposed communications 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.

Upon submission of a complete application for a ' site plan review to the zoning inspector, it will be determined if the plan meets the purpose and requirements as established in the ordinance and the requirements of the 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.

MAINTENANCE

- A. Any owner of a cellular or wireless communications tower shall maintain such property and all structures in good condition, maintain landscaping and keep the site free from trash, outdoor storage, weeds and other debris.
- B. Any tower found through inspection by the owner or the township zoning inspector to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the tower owners expense.
- C. Notice shall be provided to the zoning inspector when the tower service has been discontinued. Towers which are not used for a period of six (6) continuous months or more shall be removed by the tower owner within 120 days of the receipt of notification to that effect Discontinued shall include to mean the structure has not been properly maintained, has been abandoned, become obsolete or has ceased the daily activities or operations which had occurred.

TOWER SAFETY

- A The tower owner shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. All cellular and wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers.
- B. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel.

APPEARANCE

- A. No commercial advertising shall be allowed on the tower or its related facilities.
- B. The color of the tower shall be neutral, except to the extent required by Federal Law, so as to minimize visual impact.
- C. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- D. A landscape buffer and screen shall be installed to provide spatial separation and create a visual block from adjacent properties and roads. A buffer shall be installed around the perimeter of the tower site and all improvements on the site including the tower and guy anchors, any ground buildings or equipment, and security fencing.

519.99 Penalty.

(A) Whoever violates sections 519.01 to 519.25, inclusive of the Revised Code shall be fined not more than one hundred dollars a day for each offense.

ARTICLE X

PARKING FACILITIES

- 10.1 All dwellings and apartment houses shall provide parking space off the road or street and outside of public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be necessary for each such vehicle.
- 10.2 Every theater, auditorium, stadium, arena, building, or grounds used for the assembling of persons to attend concerts, lectures, entertainment, and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within three hundred (300) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for use of such patrons.
- 10.3 Conditional Uses listed in Article VII must submit adequate plans for parking facilities and off street loading and unloading when apply for permit.
- A. No less than two or more motor vehicles or horse-drawn vehicles (200 square feet for each vehicle).
 - B. Freight Loading Area: Shall provide for off-street loading and unloading. When any use with/in this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area as provided shall be adequate in size to accommodate tractor-trailer (semi) unit with adequate room to permit entry to such loading area without interfering with traffic adjacent streets or highways.

ARTICLE XI

SIGNS

11.0 PURPOSE:

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

11.1 GOVERNMENTAL SIGNS EXCLUDED:

For the purpose of the Resolution "Sign" does not include signs erected and maintained pursuant to an in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

11.2 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS:

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

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
- C. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or to remove the sign.
- D. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs, signs directing and guiding traffic and parking on private property, but bearing no advertising matter shall be permitted on any property.
- E. No sign or signs shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner on any corner lot.
- F. Signs not affixed to AND/OR EXTENDING FROM buildings must not exceed 20 square feet in total area excluding sign support, and MUST not extend higher than ten (10) feet above the ground level or be wider than ten (10) feet.
 1. Conditional uses listed in Article VII must submit adequate plans for signs.

G. Providing such use is not objectionable due to location, appearance, glare, vibration, electrical interference.

11.3 PROHIBITED USE:
A. BILLBOARDS

ARTICLE XII

ADMINISTRATION

12.0 ZONING INSPECTOR:

The position of Township Zoning Inspector is hereby created.

The Zoning Inspector shall be appointed by and serve at the pleasure of the Board of Brown Township Trustees and shall receive such compensation as the Board of Brown Township Trustees may provide her/she shall keep records of all applications for Zoning Certificates and the action taken thereon, and shall be a resident of the unincorporated area of Brown Township included in the area zoned. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

12.1 DUTIES OF ZONING INSPECTOR:

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

- A. Upon finding that any of the provisions of this Resolution are being violated, he/she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
 1. Shall physically inspect lot line, footers, and any other essential information necessary for the approval or disapproval of a permit.
- B. Order discontinuance of illegal uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
- F. Shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

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

12.2 FILING PLANS: Every application for a Zoning Certificate shall be accompanied by plans drawn to scale, showing (on the basis of survey) (in duplicate):

- A. The exact location, size, and height of any building/structure to be erected or altered.
- B. Submit a plot plan showing the proposed location, dimensions, and the proposed use.
- C. The existing and intended use of each building/structure or any part thereof.
- D. The number of families or housekeeping units the building is designed to accommodate.

- E. Must show and receive the approval (permit) of the Knox County Health Department for the design, location, and capacity of the sanitary system and method of water supply.
 - 1. Water Systems 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 posted. Construction will not be allowed until completion of the Central Sewer and Water Systems and permit posted.
- F. When no buildings are involved, the location of the present use and proposed use to be made of the lot: such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution.
- G. The lot and location of the building thereon shall be staked out on the ground before construction is started.
- H. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such Zoning Certificate as may be granted.
- I. Any Zoning Certificate approved by the Zoning Inspector shall conform to the Brown Township Zoning Ordinance.
- J. Name, address, and phone number of applicant included.
- K. The Zoning Inspector shall physically inspect lot lines, footers, and any other essential information necessary for the approval or disapproval of a permit.

12.3 ZONING CERTIFICATE:

No building or other structure shall be: erected, moved, added to, or structurally altered; nor, shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. (Excluding buildings incident to agriculture Purposes.) Application shall be made to the Township Zoning Inspector (Ohio Revised Code 519.17)

Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an Appeal, Conditional Use or Variance.

Any Zoning Certificate approved by the Zoning Inspector shall conform with the Brown Township Zoning Ordinance.

No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this Resolution.

- A. Increasing cubic content of dwelling require a permit.

12.4 TIME LIMIT TO ACT ON ZONING CERTIFICATE:

The Zoning Inspector shall act upon all such applications on which he/she is authorized to act within the provisions of this Resolution within thirty (30) days after the date they are filed in full compliance with all the applicable requirements. He/she shall either issue

a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore.

Failure to notify the applicant within the said thirty (30) days shall constitute a refusal and will enable the applicant to appeal directly to the Board of Zoning Appeals for the purpose of obtaining a Zoning Certificate.

12.5 TEMPORARY ZONING CERTIFICATES:

Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate.

- A. Temporary Visitor's Zoning Certificate for a visiting house trailer.
- B. Temporary Housing. A separate Zoning Certificate shall be required for the construction and use of temporary dwelling quarters.

12.6 ZONING CERTIFICATE FOR EXISTING BUILDING OR PREMISES:

Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

12.7 EXPIRATION OF ZONING PERMIT:

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Zoning Permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or extension granted.

12.8 FEEES:

Fees shall be shared in accordance with the orders and directions of the Brown Township Trustees.

12.9 VIOLATIONS AND PENALTIES: It shall be unlawful to construct, re-construct, enlarge, change, maintain or use any building structure or to use any land in violation of any regulation, provisions, or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00). (Ohio Revised Code Sections 303.99 and 519.99). Each and every day during which such illegal erection, construction, reconstruction enlargement, change, maintenance, or use continues may be deemed a separate offense.

12.10 VIOLATIONS — REMEDIES:

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used for any land is or is proposed to be used in violation of law or of the Zoning Resolution or any amendment thereto, the Board of Brown Township Trustees, the Prosecuting Attorney of the County of Knox, the Township 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 institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

ARTICLE XIII

DUTIES

13.0 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, BOARD OF TOWNSHIP TRUSTEES, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Resolution.

Under this Resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section XII, 12.8 of this Resolution.

Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within twenty (20) days of the Board's written decision.

ARTICLE XIV

BOARD OF ZONING APPEALS CREATED

14.1 APPOINTMENT: (ORC. 519.13)

There is hereby created a Township Board of Zoning Appeals of five (5) members, to be appointed by the Board of Township Trustees, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Brown Township Trustees and shall be for the respective unexpired term. The member of the Board of Zoning Appeal shall serve without compensation.

Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing.

14.2 PROCEDURE:

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his/her absence, the Acting Chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Brown Township Trustees and shall be public record. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variance.

14.3 DUTIES OF THE BOARD OF ZONING APPEALS: (ORC 519.14)

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order requirement, decision, or determination is ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. A quorum of three (3) members, voting in majority, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- B. To authorize such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- C. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in this Resolution and such additional safeguard as will uphold the intent of this Resolution.

14.4 APPEALS:

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

14.5 STAY OF PROCEEDINGS:

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him/her, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such cases proceeding shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

14.6 POWERS OF THE BOARD OF ZONING APPEALS: (ORC 519.14)

A. CONDITIONAL USES, SPECIFIED, EXCEPTIONS, AND INTERPRETATIONS FOR ZONING MAP:

The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as herein before provided for conditional uses, special exceptions, or for interpretations of the Zoning Map, or for decisions upon other special questions upon which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, a special exception, or interpretation of a Zoning Map, the Board shall give due regard to the nature and condition of all adjacent land structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation in addition to those expressly stipulated in this Resolution for the particular conditional use or special exception which the Board may deem necessary for the protection of adjacent properties and public interest.

B. Non-conforming uses — SUBSTITUTION:

The substitution of a non-conforming use existing at the time of enactment of this Resolution by another non-conforming use, if no structural alterations, except those

required by law or Resolution, are made, provided, however, that any use so substituted shall be of the same or of a more restricted classification.

C. Non-conforming uses — EXTENSION:

The extension of a non-conforming building upon the lot occupied by such building, or on an adjoining lot; provide that such lot was under the same ownership as the lot in question at the time the use of such building became non-conforming and that such extension is necessary and incidental to such existing non-conforming use; provided further that the value of such extension, shall be within a distance of not more than twenty (20) feet of the existing building or premises; and provided still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution.

D. Performance Standards Procedure:

The Board shall have the power to authorize, upon application in specific cases, filed as hereinbefore provided, issuance of a Zoning Certificate for uses that are subject to performance standards procedure as provided in this Resolution.

E. Temporary Structures and Uses:

The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than six (6) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

14.7 INTERPRETATION OF ZONING MAP:

Where the street or lot layout is actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owner or owners of the properties or property concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent of this Resolution. In case of any questions as to the location of any boundary line between Zoning Districts, a request for interpretations of the Zoning Map may be made to the Board and a determination shall be made by the Board.

14.8 APPLICATIONS: When and by Whom Taken:

An application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by a property owner, including a tenant or by a governmental official department, Board, or Bureau. Such application shall be filed with the Zoning Inspector who shall transmit the same to the Board. (ORC. -519.15)

14.9 PUBLIC HEARING: The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

14.10 NOTICE OF PUBLIC HEARING: Before holding the public hearing required in the above section, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal, variance, or conditional use.

14.11 NOTICE TO PARTIES IN INTEREST:

Before holding the public hearing required in section above, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

14.12 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal, variance, or conditional use the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, in conformity with this Resolution. Violations of such condition and safeguards when made a part of the terms under which the appeal, variance, or conditional use is granted, shall be deemed a violation of this Resolution and punishable under VIOLATIONS OF THIS RESOLUTION.

14.13 ACTION BY BOARD OF ZONING APPEALS:

Within thirty (30) days after the public hearing required, the Board of Zoning Appeals shall either; approve, approve with supplementary conditions, or disapprove the request for appeal, variance, or conditional use. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the appeal, variance, or conditional use that will make possible a reasonable use of the land, building, or structure. Appeals from the Board decisions shall be made through the Court of Common Pleas.

ARTICLE XV

VARIANCES

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

15.1 APPLICATION AND STANDARDS FOR VARIANCES:

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

- A. Name, address, and phone number of applicants
- B. Legal description of property
- C. Description of nature of variance requested
- D. A narrative statement demonstrating that the requested variance conforms to the following standards:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same district.
 2. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Resolution.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or building in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

15.2 DECISION OF THE BOARD:

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

A decision of the Board shall not become final until after the exploration of five (5) days from date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

15.3 VARIANCES— Literal Enforcement Would Create Undue Hardship:

The Board shall have the power to authorize upon appeal in specific cases, filed as herein before provided, such variance from the terms, provisions, or requirements of this Resolution as will not be contrary to the public interest; provided however that such variance shall be granted only in such cases where, owing to a special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would result in practical difficulty or undue hardship, so that the spirit of the Resolution shall be upheld, public safety and welfare secured and substantial justice done.

15.4 VARIANCE— Conditions Prevailing:

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship necessary to carry out the spirit and purpose of this Resolution. The Board shall have power to authorize a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or uses it may deem necessary in the interest of the furtherance of the purposes of the Resolution and the public interest.

15.5 VARIANCE— Findings of the Board

No such variance of the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt that all the following facts and conditions exist:

A. EXCEPTIONAL CIRCUMSTANCES:

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 use in the same district.

B. PRESERVATION OF PROPERTY RIGHTS

That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.

C. ABSENCE OF DETRIMENT

That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or the public interest.

D. NOT OF GENERAL NATURE

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said

property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

E. **VARIANCE — BOARD MAY REVERSE ORDERS, ETC:**

In exercising its power, the Board may, in conformity with the provisions of statute and of this Resolution, reverse or affirm, wholly or partially, or may modify and order, requirements, decisions, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Office from whom the appeal is taken.

ARTICLE XVI

CONDITIONAL USES

16.0 LOCATION USES:

Whenever it is stated in this Resolution, certain conditional uses may be permitted in a District. Where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the Master Plan. Before the Board of Appeals makes its final determination, it shall hold a public hearing as specified in this subsection. Conditional uses existing at the time of adoption of this Resolution may be continued.

16.1 PROCEDURE:

A. Written applications for approval of Conditional Uses shall be filed with the Board of Appeals upon forms prescribed for that purpose by the Commission. A deposit shall be paid upon the filings of each application for the purpose of defraying the actual cost of the proceedings described herein. A written receipt shall be kept in such manner as prescribed by law. Checks should be made out: CLERK, BROWN TOWNSHIP ZONING.

16.2 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT:

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

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

16.3 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

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

16.4 PUBLIC HEARING:

Upon receipt of the application for conditional use permit, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedure specified in Article XV, 9 to 11 and to be posted with a placard stating the date of the hearing and the nature requested.

16.5 ACTION OF THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required the Board shall, approve, approve with supplementary conditions as specified, or disapprove the application as presented.

If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas.

16.6 EXPIRATION OF CONDITIONAL USE PERMIT:

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than ONE (1) year.

ARTICLE XVII

ZONING COMMISSION

- 17.0 There is hereby created a Township Zoning Commission of five (5) members, to be appointed by the Brown Township Board of Trustees, who shall be residents of the unincorporated area of the township included in the area zoned. (ORC-519.02)

The terms of each member shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified.

Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

- 17.1 MEETINGS:

The Township Zoning Commission shall meet quarterly and may initiate amendments to the Zoning Resolution from time to time. All meetings shall be open to the public.

- 17.2 DUTIES OF PLANNING (ZONING) COMMISSION:

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

- A. Initiate proposed amendments to this Resolution.
- B. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in Article XVIII.

- 17.3 PROCEEDINGS OF ZONING COMMISSION:

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

- 17.4 AUTHORITY: The authority for the creation and establishing of the Zoning Commission is contained in the provisions of Sections 519.02 to 519.25 inclusive of the Revised Code of the State of Ohio.

ARTICLE XVIII

AMENDMENTS OR SUPPLEMENTS

18.0 INITIATION OF AMENDMENTS OR SUPPLEMENTS:

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by passage of a Resolution therefore, by the Township Trustees or by the filing of an application therefore by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such Resolution certify it to the Zoning Commission.

18.1 PROCEDURE FOR CHANGE:

Applications for amendments or supplements to this 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 applications.

18.2 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.

18.3 PUBLIC HEARING BY THE ZONING COMMISSION:

Upon the adoption of such motion, or 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 adoption of such motion or the date of the filing of such application. Notice of hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

18.4 WRITTEN AND PUBLISHED NOTICE INCLUDING TEN OR LESS PARCELS:

A. If the proposed amendment or supplement intends to re-zone or redistrict ten (10) or less parcels of land, listed on the tax duplicate, 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 and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

B. Notice of the hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

18.5 TRANSMITTAL TO REGIONAL PLANNING COMMISSION:

Within five (5) days after the adoption of such motion or the certification of such Resolution or the failure of such application the Zoning Commission shall transmit a copy thereof together with a text and map pertaining thereto the Regional Planning Commission.

18.6 ACTION BY 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.

18.7 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 pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Township Trustees.

18.8 PUBLIC HEARING BY TOWNSHIP TRUSTEES:

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 be not 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 Trustees by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

18.9 WRITTEN NOTICE:

If the proposed amendment or supplement intends to re-zone or redistrict ten (10) or less parcels of land, listed on the tax duplicate, written notice of the hearing shall be mailed by the Board of Trustees, by FIRST CLASS mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or duplicate of the County or to the address of the property.

The failure of delivery of such notice shall not invalidate any amendment or supplement.

18.10 VOTE BY TOWNSHIP TRUSTEES:

Within twenty (20) days after the public hearing the Township 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.

- 18.11 EFFECTIVE DATE OF AMENMENT OR SUPPLEMENT REFERENDUM
Such amendment or supplement adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 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 Brown Township equal to not less than 8% of the total vote cast of all candidates for 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.
- 18.12 RESULT 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 amendment has been approved by the voters it shall take immediate effect.
- 18.13 COURT OF COMMON PLEAS:
Any person adversely affected by an order of the Board of Township Trustees, adopting, amending, or rescinding a regulation may appeal to the Court of Common Pleas of Knox County of the ground that said Board failed to comply with the law in adopting amending, rescinding, publishing, or distributing such regulation or that the regulation as adopted or amended by the said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.
- 18.14 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 the amount to cover the cost of publishing, posting, and/or mailing the notices of the hearing required by the forgoing provisions.

ARTICLE XIX

EXCEPTIONS AND MODIFICATIONS

19.0 LOT OF RECORD

When a lot is an official lot of record at the time of adoption of this Resolution does not comply with the area, yard, or other requirements of this Resolution; such lot may be sued as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

19.1 EXCEPTION TO HEIGHT LIMITS:

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

ARTICLE XX

VALIDITY

Each section, subsection, provision, requirement, regulation, or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Zoning Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

20.1 AUTHENTICATION:

The Township Clerk 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.

20.2 REPEAL:

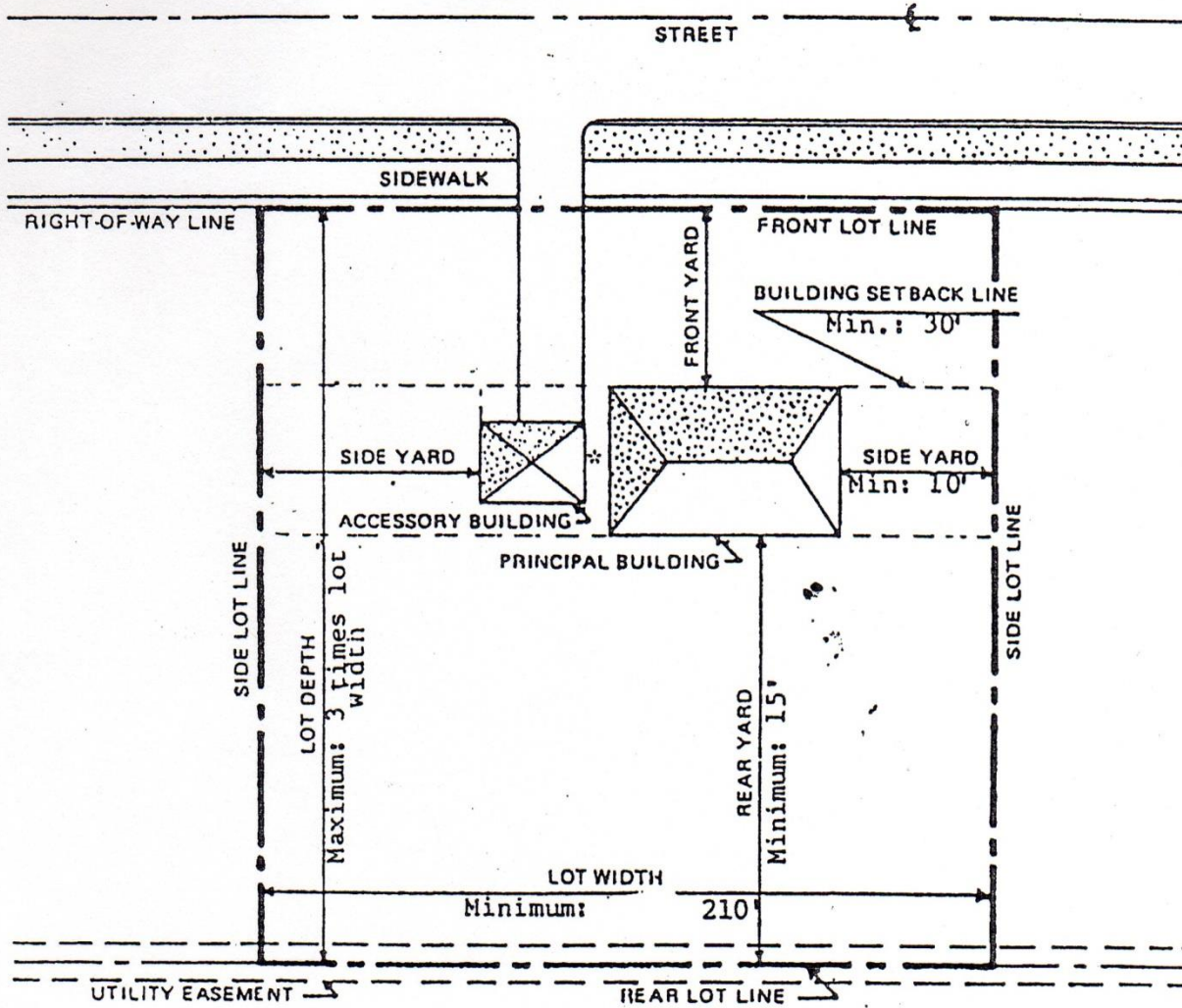
All other Resolutions of the Township, inconsistent herewith and to the extent of such inconsistency and no further, are hereby repealed.

AMENDED THIS 23RD DAY OF JUNE, 1999

BOARD OF TOWNSHIP TRUSTEES, BROWN TOWNSHIP
KNOX COUNTY, OHIO

ATTEST: Myron Gene Horn

FR-1 FARM RESIDENTIAL DISTRICT



LOT AREA= TOTAL HORIZONTAL AREA Minimum: 3 acre

LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING

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

LOT TERMS