

# **MILLER TOWNSHIP ZONING REGULATIONS**

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<sup>1</sup> As amended 2007

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## ARTICLE I – PURPOSE AND SCOPE

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

## ARTICLE II – TITLE

Miller Township, Knox County Ohio Zoning Resolution: This Resolution shall be known and may be cited and referred to as the “Miller Township, Knox County, Ohio Zoning Resolution.”

## ARTICLE III – INTERPRETATION OF STANDARDS

Requirements as Minimums: In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Whenever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Resolution shall govern.

## ARTICLE IV – DEFINITIONS

Interpretation: For the purpose of this Resolution certain terms or words herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include the plural and all words in the plural include the singular. The word “shall” is mandatory and not directory. The



word "used" shall be deemed to include "designed, intended, or arranged to be used."

Accessory Use or Building: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Agricultural: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, packing, treating, or storing the produce; provided, however, that the operations of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding to garbage or offal to swine or other animals.

Alley or Lane: A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

Apartment House: See Dwelling, Multi-Family.

Automotive or Trailer Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automotive Service Station or Filling Station: A place where gasoline, kerosene, or any other motor fuel or lubrication oil or grease for operation motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile Wrecking: The dismantling or disassembly of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement/Cellar: Covering sloped lots or where grade is modified to expose a basement wall to allow entry or egress.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building; the moving of dirt which alters the natural topography and drainage

patterns of the area.

Board: The Board of Zoning Appeals of the Township

Board of Lodging House: A dwelling or part thereof where meals and/or lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

Building: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures, whether stationary or movable.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Clinic: A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s), including the care, diagnosis and treatment of those persons who are sick, ailing, infirm and / or injured and includes the care of those who are in need of medical, surgical, or dental attention, but, who are not provided with board or room nor kept overnight on the premises.

Club: A non-profit association of persons who are bonafide members, are paying regular dues, and are organized for some common purpose, but, not including a group organized solely or primarily to render a service customarily done as a commercial enterprise.

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Commission: The Township Zoning Commission.

Display Sign: A structure that is arranged, intended, or designed or used as an advertisement, announcement, or direction, including a sign, sign screen, billboard, and advertising device of any kind.

District: A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply.

Dwelling: A dwelling is any building or portion thereof occupied or intended to be occupied for residence purposes only, but no including a tent or a cabin.

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

Dwelling, Single-Family: A single family dwelling is a building occupied or constructed to be occupied for residence purposes by one family or housekeeping unit.

Dwelling, Two-Family: A two-family dwelling is a building occupied or constructed to be occupied by not more than two families or housekeeping units, each unit having a separate entrance.

Dwelling, Multiple-Family: A multiple-family dwelling is a building or portion thereof occupied or constructed to be occupied by more than two families or housekeeping units and to include separate entrances for each unit.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or governmental agencies of underground gas, electrical, steam or water transmission or distribution systems, and collections, communication, supply or disposal systems or sites including poles, wires, mains, drains, sewer 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, safety, or general welfare, but not including buildings.

Frontage: All the property abutting on one side of a street, between intersecting or intercepting streets, or between a street and a right-of-way, waterway, dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Garage, Private: Both attached and detached garages and not limited to the storage of self propelled passenger vehicles of trailers.

Garage, Public: A space or structure for the storage, sale, hire, care, repair, or refinishing of self-propelled vehicles.

Home Occupation: Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incident 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.

Hospital: A building or a portion thereof used 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.

Junk Yard: Any open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or pack, disassembled, or handled including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage and equipment.

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

Lot: A place, parcel or plot of land occupied, or to be occupied, by one principal building and its accessory building including the open spaces required under this Resolution.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mobile Home: A structure designed to be used for human habitation, carrying or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place.

Motel or Motor Motel: A series of attached, semi-attached, or detached sleeping or living units for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Non-conforming Use: A use of building or land lawful at the time of enactment of this Resolution that does not conform with the "permanent use" provisions of this Resolution.

Porch: Roofed over or enclosed gallery attached to the exterior of a building. Floor area is not included in the building floor area.

Recreational Facilities: Any instrumentality provided by the state, church, or private enterprise for the purpose of rest and relaxation, mental, or physical refreshment, or an other activity relating to fun and games.

Sign-Area of: Leave  $\frac{1}{2}$  the total of the exposed exterior surface computed in square feet of a sign having one or more exposed exterior surfaces.

Stable-Commercial: A stable for horses, donkeys, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

Stable-Private: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

Standard Equipment: A criterion for the control of type and placing of industrial equipment.

Performance: A criterion established in the interest of protecting the public health and safety, for the control of noise, odor, smoke and noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

Story: That portion of a building included between the surface of the floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: Any public or private way dedicated to public travel, 50 feet or more in width. The word "street" shall include the words; "roads," "highway," and "thoroughfare."

Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location of the ground.

Structural Alteration: Any change in the structural members of a building such as walls, columns, beams, or girders.

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Thoroughfare, Primary or Secondary: An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary thoroughfare on said Plan, respectively.

Use: The purpose or activity for which a building, structure, or land is occupied or maintained.

Variance: A variance is a relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship. As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

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

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

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

Zoning Certificate: A Zoning Certificate is a document issued by the Zoning or

Building Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Resolution; and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The Zoning Inspector of the Township or his authorized representative.

Zoning Map: The districts and boundaries thereof are established as shown on the Zoning Map, which map together with all notations, references, date, 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.

See "Lot Terms," "Roof Types and Building Height," and "Types of Lots" illustrations on the next 3 pages.

## ARTICLE V – DISTRICTS AND GENERAL PROVISIONS

### 5.0 Districts

The Township is hereby divided into six districts known as:

- C-1 Conservation District
- AG Agricultural District
- R-1 Single-Family Residence District
- R-2 General Residence District
- B-1 General Business District
- M-1 General Manufacturing 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 a 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 on the Zoning Map or by dimensions.

Where the boundary of a district follows a railroad line, such boundary line shall be deemed to be located midway between the main tracks of the said railroad line.

### 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 for the district in which such building is located.

### 5.4 Rear Dwellings



No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for; any such rear dwelling an unoccupied an unobstructed accessway not less than 50 feet wide if there are three or more dwelling units in such dwelling.

#### 5.5 Street Frontage Required

Except as permitted by other provisions of these regulation, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 200 feet on a street; and there shall be not more than one single-family dwelling for such frontage.

#### 5.6 Traffic Visibility Across Corner Lots

In any "R District" on any corner lot, no fence, structure or planting shall be erected or maintained within 30 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 for off-street loading shall be provided in accordance with the provisions of Article XIV.

#### 5.8 Essential Services

Essential services shall be permitted as authorized and regulated by law and other resolution 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 a safe condition or 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 side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all

regulations of the extended district or districts.

#### 5.11 Mobiles Homes -Visitors

Not more than one mobile home may be temporarily used as a residence by a visitor on occupied property owned, leased, or rented by a resident of the Township for a period of ninety (90) days, provided that:

1. All provisions of the Knox County Board of Health are complied with.
2. A fee of \$2.00 shall be paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" after a period of thirty (30) days, subject to renewal by the Zoning Commission.

#### 5.12 Territory Not Included-Annexations

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

#### 5.13 Accessory Buildings in R Districts or AG District

Accessory buildings shall be distant at least 6 feet from any dwelling situated on the same lot unless an integrated part thereof; at least 6 feet from any other accessory building and at least 10 feet from any lot lines of adjoining lots which are within an R or AG District.

## ARTICLE VI

### NONCONFORMING USES OR BUILDINGS

#### 6.0 Existing Nonconforming Uses -Continuation

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

#### 6.1 Nonconforming Uses or Buildings Enlargement, Substitution, Etc.

No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered unless approved by the Board and except as follows:

6.1a Substitution: When authorized by the Board in accordance with the provisions of Article XXIV, the substitution for a nonconforming use of another not more objectionable nonconforming use may be made.

6.1b Nonconforming: Use Made to Conform: Whenever a nonconforming use has been ~hanged to a conforming use, such use shall not thereafter be changed to a nonconforming use.

#### 6.2 Discontinuance of a Use

No building, structure, or premises where a nonconforming use has been discontinued for a period of twelve (12) months or more shall again be put to a nonconforming use.

#### 6.3 Nonconformity - Performance Standards

All uses nonconforming at the time of adoption of this Resolution by reason of noncompliance with the provisions of Article XIII, if not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within twelve (12) months of the adoption of this Resolution.

#### 6.4 Repairs and Alterations

Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure.

#### 6.5 Replacing Damaged Buildings

Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or act of God may be reconstructed and used as before, if it be done within eighteen (18) month of such calamity. If seventy-five percent (75%) or more of the building or structure has been damaged, rebuilding will not be permitted.

#### 6.6 Mobile Homes

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

#### 6.7a Exceeds Seventy-five Percent (75%)

In the event that such damage exceeds seventy-five percent (75%) of the value at the time of damage, no repairs or construction shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the District in which it is located.

#### 6.7b Nonuse of Damaged Structure

If the damaged structure is not to be reused within eighteen (18) months regardless of damage, the structure must be razed, and regrade the ground to level. This will be done at the property owner's expense.

## ARTICLE VII

### C-1 CONSERVATION DISTRICT

7.0 Purpose: To protect public health, safety and general welfare; to protect persons, private and public property from the hazards of flood water inundation, and to protect the community from costs which are incurred when urban developments occur in flood plains.

To conserve areas which are subject to flood hazard for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings within the flood plain.

#### 7.1 Uses Permitted in the C-1 Conservation District

1. Any customary agricultural use, forestry.
2. Recreational facilities such as fishing, lakes, golf courses, golf driving ranges, and parks.
3. Water conservation works; including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydroelectric power installation, etc.
4. Accessory use and buildings.
5. Essential services.

#### 7.2 Conditional Uses in the C-1 Conservation District

1. Rifle ranges, gun clubs, archery courts, and other similar uses provided they are not located closer than 700 feet distant from any R-District.
2. Commercial mining; in accordance with the provisions of Article XVI.
3. Reclamation of lands subject to flooding provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board unless the Board finds that such reclamation work is in concert with the objectives of the Land Use Plan and that any such work is done in accordance with plans approved by

the County Soil and Water Conservation District.

4. Disposal of garbage and refuse; including sanitary fills and sewage disposal by the Township or its authorized agents, subject to Health Department approval.

### 7.3 Required Conditions

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

1. Engineer's Report: Whenever the Board is required to pass on matters of protection of life and property from flood hazards; it shall request a report and recommendations thereon from the chief engineer of any conservation district. Such report shall be considered final and conclusive and the Board shall be bound thereby.

2. Changes to Non-Conservation District: Changes of district classification from C-1 to any other classification provided by this Resolution may be initiated in accordance with the requirements of this Resolution; provided that no such change shall be authorized by the Township Trustees unless the chief engineer of the conservation district certifies to the Township Trustees that any flood condition existing at the time the G-1 District was originally established does no longer exist or has been remedied to the satisfaction of said engineer and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Township Trustees, the Township Zoning Commission shall require completion of all necessary flood works in accordance with the requirements and specifications of the C-1 District.

### 7.4 Required Lot Area and Lot Width in the C-1 District

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

### 7.5 Height Regulation in the G-1 District

No structure shall exceed 35 feet in height.

## ARTICLE VIII

### AG -AGRICULTURAL DISTRICT

8.0 Purpose: The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; and to conserve areas physically unsuitable for intensive development.

#### 8.1 Uses Permitted in the AG District

1. Agricultural uses.
2. One-family residential dwelling, home occupations.
3. Utility and service system building and lands, public buildings, picnic grounds, religious and educational institutions.
4. Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over 6 square feet of sign area; signs announcing meeting time and place of civic organizations.

#### 8.2 Conditional Uses in the Agricultural District

After obtaining a valid conditional use permit, the following may be conditionally permitted:

Commercial Enterprises employing three (3) or more employees full or part-time including but not limited to:

1. Feed and seed sales
2. Fertilizer and agricultural chemical sales
3. Machine shop/repair shop
4. Welding shop
5. Implement sales and repair
6. Sawmills
7. Veterinary
8. Golf course
9. Home businesses

## 10. Mobile homes

- a. The width or depth of the mobile home shall not be less than 20 feet whichever is the smaller dimension.
- b. Wheels shall be removed.
- c. Tongue shall be removed if it is a removable or bolt-on type tongue.
- d. Skirting shall be required. Skirting shall be of nonflammable material approved by the Zoning Appeals Board.
- e. No rental or subletting of mobile home will be allowed.
- f. The conditional use permit shall expire when the permit holder ceases to use the mobile home as his primary residence.
- g. Any unit manufactured off-site must meet minimum square footage requirements before any on-site additions are constructed.
- h. Mobile home must be placed on a foundation of
  - (1) basement
  - (2) or concrete slab, minimum thickness 4 inches with footers full perimeter
  - (3) and/or cement block pillars set on concrete, 30 inches or below frost line placed on a-foot centers
- i. The above regulations must be met before the dwelling is occupied as stipulated in the building or conditional use permit and signed and agreed to by the applicant.

### 8.3 Prohibited Uses in Agricultural District

The following uses shall be deemed to constitute a nuisance and shall not be permitted in an Ag-Residential 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 (except for normal residential use), refuse, scrap metal, rubbish, offal of dead animals, or tires except such as result from normal use .
5. Slaughter houses
6. Commercial aviation fields
7. Race tracks, except a race track that is part of a fairgrounds
8. Tourist camps, campgrounds, cabins for transient use
9. Brewery and distillery



10. Junk yards, automobile graveyards, auto storage, 2 or more outside, unlicensed vehicles (2 years from date of expired .license, refer to Ohio Revised Code Chapter 4737)
11. Manufactory of fertilizer
12. Dumping industrial chemicals, toxic waste, or radioactive materials
13. Drilling of a saltwater disposal well
14. Any uses not listed as permitted or conditional are prohibited.
15. "Adult Entertainment" is prohibited.

#### 8.4 Required Lot Area and Lot Width in the AG District

Each dwelling shall be located on a lot having not less than two acres and a lot width of not less than 200 feet at the building line, and continuous 200 feet of road frontage, however the lot depth shall not be more than 3 times the lot width. Road frontage will only be used for the 3 to 1 lot ratio, not the building line.

#### 8.5 Height Regulation in the AG District

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

#### 8.6 Required Yards in the AG District.

All dwellings shall have the following minimum yard spaces:

- |            |   |                   |
|------------|---|-------------------|
| Front Yard | - | 60 feet           |
| Side Yard  | - | 30 feet each side |
| Rear Yard  | - | 60 feet           |

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

#### 8.7 Required Floor Area in the AG District

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

##### 8.7a Single-family Dwelling

1. With/Without Basement - 1200 square feet minimum.
2. .Shall not be less than 20 feet in width or depth whichever is the smaller dimension.
3. Roof Pitch of 4 x 12 or steeper.
4. Basement not included in square footage.

#### 8.8 Off-Street Parking Requirements in the AG District

There shall be provided in the AG District off-street parking in accordance with Article XIV.

8.9 Agricultural Structures: Area, Width, and Yard

Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board of Township trustees or zoning appeals board to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use of the agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for such building or structure.

## ARTICLE IX

### R-1 SINGLE-FAMILY RESIDENCE DISTRICT

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

#### 9.1 Uses Permitted in the R-1 District

1. One-and two-family dwellings, home occupations.
2. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal products may be sold on the premises.
3. Churches, schools, libraries, museums, and art galleries; parks, playgrounds, community centers, cemeteries, public services, and utility office buildings.
4. Accessory buildings and uses.
5. Unlighted real estate signs, nonconforming business use signs, and public building or church signs or bulletin boards pertaining to the property on which they are placed and not having over six (6) feet of sign area.

#### 9.2 Conditional Uses in the R-1 District

1. Professional and business offices.
2. Mobile Homes.
  - a. The width or depth of the mobile home shall not be less than 20 feet, whichever is the smaller dimension.
  - b. Wheels shall be removed.
  - c. Tongue shall be removed if it is a removable or bolt-on type tongue.
  - d. Skirting shall be required. Skirting shall be of nonflammable material approved by the Zoning Appeals Board.
  - e. No rental or subletting of mobile home will be allowed.
  - f. The conditional use permit shall expire when the permit holder ceases to use the mobile home as his primary residence.
  - g. Any unit manufactured off-site must meet minimum square footage requirements before any on-site additions are constructed.
  - h. Mobile home must be placed on a foundation of
    - 1) basement
    - 2) or concrete slab, minimum thickness 4 inches with footers full

perimeter.

- 3) and/or cement block pillars set on concrete, below frost line (30 inches or more below grade) and placed on 8 foot centers.

- i. The above regulations must be met before the dwelling is occupied as stipulated in the building or conditional use permit and signed and agreed to by the applicant.

### 9.3 Required Lot Area and Lot Width in the R-I District

No dwelling shall be located on a lot having an area of less than one (1) acre. The lot must also have a width of not less than 200 feet at the building line, and must also have a continuous 200 feet of road frontage. This rule may be modified by rule 9.7 below.

### 9.4 Required Floor Area in the R-I District

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

#### 9.4a Single-family Dwelling

With/Without Basement - 1200 square feet minimum  
Basement not included in square footage

#### 9.4b Two-family Dwelling per Unit

With/Without Basement - 1200 square feet minimum  
Basement not included in square footage

### 9.5 Height Regulations in the R-I District

9.5a No residential dwelling shall exceed two (2) stories or thirty-five (35) feet in height.

9.5b A roof pitch of 4 x 1 or steeper is required.

### 9.6 Required Yard in the R-I District

All structures shall have the following minimum yard spaces:

Front Yard - 60 feet  
Side Yard - 15 feet each side  
Rear Yard - 15 feet

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

### 9.7 Reduction in Area Requirements in the R-1 District

The lot area and frontage requirements for any lot served by a public sewage system or public water system may be reduced as hereinafter, specified.

#### Sewage and Water Available

|                      |   |                    |
|----------------------|---|--------------------|
| Minimum Lot Area     | - | 12,000 Square Feet |
| Minimum Lot Frontage | - | 90 Feet *          |

#### Water Available

|                  |   |                    |
|------------------|---|--------------------|
| Minimum Lot Area | - | 14,000 Square Feet |
| Minimum Frontage | - | 90 Feet *          |

#### Sewage Available

|                  |   |                    |
|------------------|---|--------------------|
| Minimum Lot Area | - | 14,000 Square Feet |
| Minimum Frontage | - | 90 Feet *          |

\* Shall not be less than 20 feet in width or depth whichever is the smaller dimension.

9.8 The above regulations must be met before the dwelling is occupied as stipulated in the building or conditional use permit and signed and agreed to by the applicant.

## ARTICLE X

### R-2 GENERAL RESIDENCE DISTRICT

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

#### 10.1 Uses Permitted in the R-2 District

1. Any use permitted in the R-1 District.
2. Multi-family dwellings, tourist homes, lodging houses.
3. Clubs, lodges, rest homes, funeral homes, clinics, and similar uses.
4. Accessory uses and structures.

#### 10.2 Conditional Uses in the R-2 District

1. Stricter Uses: Same uses as are conditionally permitted and as regulated in the R-1 District, except as specifically limited in this Chapter.
2. Motels and motor hotels.
3. Mobile home parks.

#### 10.3 Required Lot Area and Width in the R-2 District

|                        | <u>Lot Area</u> | <u>Lot Width*</u> |
|------------------------|-----------------|-------------------|
| Single-family dwelling | two acres       | 200 feet          |
| Two-family dwelling    | two acres       | 250 feet          |
| Multi-family dwelling  | two acres       | 250 feet          |

\* Add 20% per unit if with full basement.

#### 10.4 Height Regulations in the R-2 District

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

#### 10.5 Required Yard in the R-2 District

All dwellings shall have the following minimum yard spaces:

|                        |            |   |         |
|------------------------|------------|---|---------|
| Single-family dwelling | Front Yard | - | 50 feet |
|                        | Side Yard  | - | 30 feet |
|                        | Rear Yard  | - | 40 feet |

Two-family dwelling      Same as for the Single-family dwellings

|                       |            |   |         |
|-----------------------|------------|---|---------|
| Multi-family dwelling | Front Yard | - | 50 feet |
|                       | Side Yard  | - | 30 feet |
|                       | Rear Yard  | - | 40 feet |

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

#### 10.6 Reduction in Area Requirements in the R-2 Districts

The lot area and frontage requirements for any lot served by a public sewage system or public water system may be reduced as hereinafter specified:

|                        |   |                                  |
|------------------------|---|----------------------------------|
| Single-family dwelling | - | as regulated in the R-1 District |
| Two-family dwelling    | - | as regulated in the R-1 District |
| Multi-family dwelling  | - | as follows:                      |

##### Sewage and Water Available

|                   |   |                    |
|-------------------|---|--------------------|
| Minimum Lot Area  | - | 16,000 square feet |
| Minimum Lot Width | - | 135 feet*          |

##### Water Available

|                   |   |                    |
|-------------------|---|--------------------|
| Minimum Lot Area  | - | 18,000 square feet |
| Minimum Lot Width | - | 150 feet*          |

##### Sewage Available

|                   |   |                    |
|-------------------|---|--------------------|
| Minimum Lot Area  | - | 18,000 square feet |
| Minimum Lot Width | - | 150 feet*          |

\*At the building line.

#### 10.7 Off-Street Parking and Loading in the R-2 District

There shall be provided in the R-2 District off-street parking in accordance with Article XIV.

## ARTICLE XI

### B-1 GENERAL BUSINESS DISTRICT

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

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

#### 11.1 Uses Permitted in the B-1 General Business District:

1. Any use permitted in a residential district.
2. Major Retail Outlets: furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
3. Food, Drug and Beverages: grocery stores, supermarkets, meat markets; drug stores and liquor stores; bakery in conjunction with retail sales; restaurants, tearooms and taverns.
4. Specialty Shops: gift shops; magazine, book and stationery outlets; florist shops; camera and photography shops; sporting goods.
5. Service and Recreation: laundromat, dry cleaning and laundry pick-up stations; barber and beauty shops; shoe repair and tailor shops; mortuaries; printing shops with not more than 10 full-time regular employees; places of amusement and assembly.
6. Business and Professional Offices: medical and dental offices and clinics<sup>1</sup> law offices; insurance and real estate offices; banks, finance and utility companies.
7. Automotive and Related Uses: new and used car sales, service and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.
8. Accessory Uses or Buildings.
9. Business and advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential districts or into the public way and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber



illumination.

### 11.2 Conditional Uses Permitted in the B-1 General Business District

1. Any conditional use permitted in the residential districts.
2. Building Trades or Equipment: building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises).
3. Vehicle Drive-In and Heavy Vehicle Services: drive-in theaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels, and veterinary establishments; frozen food lockers; seed and food processing plants; dairies.
5. Accessory Uses or Buildings.
6. Business and Advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residence districts or into the public way, and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.
7. "Adult Entertainment" is prohibited.

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

11.3a. Residential Uses: Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot area and minimum lot width requirements of the R-2 General Residence District.

11.3b. Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

### 11.4 Building Height Regulations in the B-1 District

In the B-1 General Business District, no building shall exceed 2 stories or 30 feet in height, except as provided in Article XX.

### 11.5 Required Yards in the B-1 District

11.5 a. Residential Uses: Each residential use to be accommodated in the B-1 District shall meet the minimum yard requirements of the R-2 Residence District.

11.5 b. Commercial Uses:

Front Yard - 25 feet

Side Yard - no minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard -20 feet. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirement.

11.6 Off-Street Parking and Loading Requirements

There shall be provided in the B-1 District off-street parking and loading in accordance with the provisions of Article XIV.

11.7 Landscaping or Screening Provisions

For non-residential uses abutting a "B" District, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements if acceptable landscaping or screening, approved by the Board, is provided. Such screening shall be masonry or solid fence between 4 and 6 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge or a dense planting of evergreen shrubs not less than 4 feet in height.

## ARTICLE XII

### M-I MANUFACTURING DISTRICT

#### 12.0 Purpose

The purpose of the M-I Light Manufacturing District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that general hazard or nuisance affects a large segment of the community.

#### 12.1 Uses Permitted in the M-I Light Manufacturing District

1. Any use permitted in the B-1 Business District except residential uses.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, poyards, building material storage, and trucking storage, however, not including junk yards or similar uses.
3. Manufacturing: To engage in processes to make wares or products by hand or by machinery.
4. Other manufacturing uses of a light nature, free from and objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise.

In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals in accordance with Article XXIV.

#### 12.2 Conditional Uses in the M-I General Manufacturing District

All uses not otherwise prohibited by law except residential uses provided, however, that the following uses will be permitted as special uses in the M-I District when authorized by the Township Trustees after public hearing and recommendation by the Zoning.

Commission: bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; cook oven, curing, tanning and storage of raw

hides and skinning, distillation of bones, coal wood or tar, fat rendering, forge plant; foundry or metal fabrication plant; gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol or alcoholic beverages; ammonia, bleaching powder, chemicals, brick, pottery, terracotta or tile; candles; disinfectants; dyestuffs; fertilizers; linseed oil, paint, oil turpentine, varnish, soap and tar products, or any other use which in the opinion of the Zoning Commission would emit detrimental or obnoxious noise vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property.

The Board of Appeals shall recommend Township Trustees' approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the General Manufacturing District in which it is located. Such special uses shall be subject to any requirements the Zoning Commission feels necessary to further the purpose of the Manufacturing District as stated in the preamble.

#### 12.3 Required Lot Area and Lot Width in Manufacturing Districts

Each use to be established in the M-1 District shall provide a minimum lot area of 8,000 square feet and a minimum lot width of 60 feet.

#### 12.4 Building Height Regulations in Manufacturing Districts

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

#### 12.5 Yards Required in Manufacturing Districts

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

|            |   |         |
|------------|---|---------|
| Front Yard | - | 25 feet |
| Side Yard  | - | 10 feet |

\*Except where a side yard abuts a residential district in which case a side yard of 25 feet shall be provided.

|           |   |         |
|-----------|---|---------|
| Rear Yard | - | 25 feet |
|-----------|---|---------|

#### 12.6 Screening Required Between Manufacturing and Residential Districts

Newly established manufacturing uses adjacent to or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other

suitable landscape device adequate to visually screen the industrial area from the residential area.

#### 12.7 Off-Street Parking and Loading

There shall be provided in the M-I District adequate off-street parking and loading in accordance with the provision of Article XIV.

## ARTICLE XIII

### SPECIAL PROVISIONS

#### 13.0 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:

1. Fire Hazards: any activity involving the use of flammable or explosive materials 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.
2. 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.
3. 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.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. 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.
8. Glare: No direct or reflected glare shall be permitted which is visible from

any property or from any public street, road or highway.

9. Erosion: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

10. Water Pollution: Pollution of water shall be subject to the requirements and regulation established by the Ohio Environmental Protection Agency.

13 .1 Enforcement Provisions

All uses existing on the effective date of the 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.

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

## ARTICLE XIV

### OFF-STREET PARKING AND LOADING REGULATIONS

#### 14.0 Off-Street Parking

Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereinafter established such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used.

#### 14.1 Number of Parking Spaces Required

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

| <u>Use</u>   | <u>Parking Spaces Required</u>  |
|--|---|
| Automobile or Machinery<br>Sales and Service Garages   | 1 for each 600 sq. ft. floor area   |
| Banks, Business and<br>Professional Offices  | 1 for each 400 sq. ft. floor area   |
| Bowling Alleys   | 7 for each alley.   |
| Churches and Schools   | 1 for each 5 seats in an auditorium or 1 for each 12 classroom seats; whichever is greater. |
| Dance Halls and Assembly<br>Halls without fixed seats,<br>Exhibition Halls, except<br>church assembly rooms, in<br>conjunction with auditorium | 1 for each 100 sq. ft. of floor area<br>used for assembly or dancing.                       |
| Dwellings  | 2 for each family or dwelling unit.   |
| Funeral Homes, Mortuaries  | 4 for each parlor or for each 50 sq. ft. of floor area.                                     |
| Furniture and Appliance<br>Stores, Household Equipment<br>or Furniture Repair Shops of<br>over 1,000 sq. ft. floor area                        | 1 for each 400 sq. ft. of floor area.   |



|   |   |
|---|---|
| Hospitals   | 1 for each bed  |
| Hotels, Lodging Houses  | 1 for each bedroom  |
| Libraries, Museums or Art Galleries   | 1 for each 250 square feet of floor area  |
| Manufacturing Plants, Research or Testing Labs or Bottling Plants of over 1,000 square feet in area | 1 for each 3 employees in the maximum working shift or 1,200 square feet floor area, whichever is greater |
| Medical or Dental Clinics   | 1 for each 200 square feet of floor area  |
| Motel and Motor Hotels  | 1 for each living or sleeping unit, plus one space For each two employees                                 |
| Restaurants, Beer Parlors and Nightclubs of over 1,000 square feet in area                          | 1 for each 200 square feet of floor area  |
| Retail Stores, Shops, etc. of over 2,000 square feet floor area                                     | 1 for each 150 square feet of floor area  |
| Sanitariums, Convalescent Homes, Children's Homes   | 1 for each 2 beds   |
| Sports Arenas, Auditoriums, Theatres, Assembly Halls other than schools                             | 1 for each 4 seats  |
| Wholesale Establishments or Warehouses  | 1 for every 2 employees on maximum shift and one for each motor vehicle used in the business              |

#### 14.2 Development and Maintenance of Parking Area

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and, also, an automobile or trailer sales lot, shall be

developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-street parking areas for more than 5 vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between 4 feet and 6 feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs, not less than 4 feet in height.
2. Surfacing: Any off-street parking area for more than 5 vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.
3. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
4. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use with approval of the Board provided a written agreement, approved by the Board and accepted by the Board of Township Trustees, shall be filed with the application for a zoning permit.
5. Parking Areas -Modifications: The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use or the exceptional shape or size of the property or other exceptional situation or condition would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

#### 14.3 Off-Street Loading

In any district, in connection with every building or part thereof, erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store,

market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

#### 14.4 Loading Space -Dimensions

Each loading space shall be not less than 12 feet in width, 50 feet in length, and 15 feet in height.

#### 14.5 Loading Space -Occupying Yard

Subject to the limitations in Section 14.6, such space may occupy all or any part of any required yard.

#### 14.6 Loading Space -Distance from R-District

No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than 6 feet in height.

## ARTICLE XV

### DISPLAY SIGNS AND OUTDOOR ADVERTISING

15.0 Purpose: The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating 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, and curb the deterioration of the natural environment and enhance community development.

#### 15.1 Governmental Signs Excluded

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

#### 15.2 General Requirements

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

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
3. No projecting sign shall be erected or maintained from the \, front o~ face of a building a distance of more than two (2) feet, including those projecting

from the face of any theater, hotel, or motel marquee;

4. No sign shall be placed on the roof of any building;

5. No portable or temporary sign shall be placed on the front or facing a building or on any premises, except as provided in Section 15.7 herein;

6. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;

7. No sign erected or maintained in the window of a building, visible from any public or private street or highway; shall occupy more than twenty (20) percent of the window surface;

8. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;

9. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting the sign;

10. Should any sign be or become unsafe or be in danger of becoming unsafe, the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign;

11. 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;

12. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

### 15.3 Measurement of Sign Area

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular geometric forms comprising

all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

#### 15.4 Signs Permitted in All Districts Not Requiring a Permit

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises not to exceed two (2) square feet of in area.

#### 15.5 Signs Permitted in Any District Requiring a Permit

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

#### 15.6 Signs Permitted in Business and Manufacturing Districts Requiring a Permit

The regulations set forth in this section shall apply to signs in all commercial and industrial districts and shall require a permit.

In a commercial or industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one half (1 1/2) square feet of sign area for each lineal foot of building width or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet:

### 15.7 Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.

### 15.8 Free-Standing Signs

Free-standing signs not over thirty (30) feet in height having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) square feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

### 15.9 Pole Signs

Pole signs of symbolic design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway. The maximum area of any face of such sign shall not exceed thirty (30) square feet, and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district.

### 15.10 Wall Signs Pertaining to Non-Conforming Uses

Wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

### 15.11 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

### 15.12 Sign Setback Requirements

Except as provided in this ordinance (resolution), signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a

principal use in such district except for the modifications in 15.12a-15.12c inclusive.

15.12a Increased Setbacks: For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

15.12b Setbacks at the Intersection of Highways: At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.

15.12c Setbacks for Public and Quasipublic Signs: Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

#### 15.13 Special Yard Provisions

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure shall be erected or placed closer than fifty (50) feet to a side or rear lot line in any residential district.

#### 15.14 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance (resolution), the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article XXIII of this Resolution.

#### 15.15 Fees

Fees shall be subject to the provisions specified by the Miller Township Board of Trustees.



## ARTICLE XVI

### EXTRACTION OF MINERALS

#### 16.0 General Requirements:

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

1. Distance from Property Lines: No quarrying operation shall be carried on or any stockpile placed closer than 100 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.
2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of such right-of-way.
3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
5. Processing: All crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.

#### 16.1 Applicant - Financial Ability

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

#### 16.2 Application -Contents, Procedure

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

1. Name of the owner or owners of land from which removal is to be made.
2. Name of the applicant making the request for such permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

#### 16.3 Public Hearing

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

#### 16.4 Rehabilitation

To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the Township in an amount of not less than \$1,000

and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

1. Surface Rehabilitation: All excavations shall be made either to a water-producing depth, such depth to be not less than 5 feet below the low-water mark, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids to secure:

- a. That the excavated area shall not collect and permit to remain therein stagnant water; or
- b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depression thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

2. Vegetation: Vegetation shall be restored by appropriate seeds or grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinafter provided.

3. Banks of Excavations Not Backfilled: The banks of all excavations not backfilled shall be sloped to the water line at a foot vertical which shall not be less than 3 feet horizontal to 1 foot vertical and said bank shall be seeded.

#### 16.5 Additional Requirements

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

#### 16.6 Gas and Oil Wells

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

- a. Compliance with all applicable laws of the State of Ohio.
- b. Surety Bond in the amount of \$10,000 has been obtained and is attached to the drilling permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fireplugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such Bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.
- c. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

## ARTICLE XVII

### AUTOMOBILE SERVICE STATIONS, PARKING GARAGES AND PARKING AREAS

#### 17.0 Entrance -Distance Requirements

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

#### 17.1 Oil Draining, etc.

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

#### 17.2 Automobile Service Station - Enclosure

Except in integrated shopping centers and in M Districts, no automobile service station shall be erected or constructed and no alterations or improvement shall be made to existing nonconforming service station, unless the premises upon which such station is, or is intended to be, located shall be enclosed in the rear and on the sides by a solid masonry wall not less than 6 feet high. The first 10-foot section of such wall, measured from the street right-of-way, may be stepped down to 2 feet at said right-of-way line, following a pattern of appropriate design.

## ARTICLE XVIII

### PRIVATE SWIMMING POOLS

#### 18.0 Definition and General Requirements

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

1. Exclusive Private Use: The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
2. Distance Requirements: The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line of the property on which located; provided, further, that pump and filter installations shall be located not closer than 20 feet to any property line.
3. Fencing: The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.
4. Drainage: Adequate provision for drainage shall be made subject to approval by the County Engineer.
5. Lighting: Any lighting used to illuminate the pool area shall v be so arranged as to deflect the light away from the adjoining properties.
6. Permit Required: No person, firm or corporation shall construct or install a swimming pool or make any alteration therein, or in the appurtenances thereof, without having first submitted an application and plans therefore to the Zoning Inspector and the Health Commissioner.

## ARTICLE XIX

### MOBILE HOMES AND MOBILE HOME PARKS, MOTELS AND MOTOR HOTELS

#### 19.0 General Requirements

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

1. Area and Yard Requirements: Mobile home parks, motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Resolution, provided that there shall be at least one off-street parking space for each mobile home park lot and one additional space for each 4 such lots to accommodate guests.
3. Entrance to Mobile Home Parks; Motels: No vehicular entrance to or exit from any mobile home park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
4. Landscaping - Unused Areas: All areas not used for access, parking, circulation, building, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than 10 feet in width shall be established and maintained within the mobile home park along its exterior boundaries.
5. Enclosure: Mobile home parks and motels shall be enclosed on the sides and in the rear by appropriate privacy fences not less than 6 feet high, or by a combination of landscaped screens and other suitable fences

acceptable to the Board.

6. Enlargement -Permit: Any enlargement or extension to any existing motel, motor hotel, or mobile home park shall require application for a zoning certificate, as if it were a new establishment.

7. Enlargement - Existing Facilities to Comply: No enlargements or extensions to any motel, motor hotel, or motor home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.

8. Mobile Homes: Except as provided in Section 5.11 and/or 5.12, 8.2, and 9.2, no person shall park or occupy any mobile home on any premises in any district outside an approved mobile home park. The parking of an unoccupied mobile home in an accessory private garage building or in a rear yard shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.

9. Wheels Not To Be Removed: In any mobile home park, the wheels or any similar transporting devices of any mobile home or camp car shall not be removed except for repairs.

10. No permit for a trailer or mobile home shall be issued by the Zoning Inspector until approval has been granted by the Board of Appeals as stated in Article XXIV, Section 24.3, of this Resolution.

#### 19.1 Mobile Home Parks -Submission of Plans

An application for the establishment of a mobile home park shall be filed with the Zoning Inspector and must be accompanied by a plat, drawn to scale and certified by a bona fide architect, land surveyor, civil engineer, or landscape architect. The Inspector shall check the plat, and, after approval of the County Board of Health, if he finds the same to be in compliance with the requirements of this Article, forward the same to the Board of Appeals. The Inspector shall advise the Zoning Commission of the pending application and the Commission shall review the same and submit its recommendation thereon to the Board of Appeals. The Board shall hold a public hearing on the application, giving 10 days notice thereof in a newspaper of general circulation. Upon completion of said hearing, the Board shall approve, conditionally approve, or deny the application. The plat shall contain the



following information:

1. Accurate dimensions of the proposed mobile home park;
2. All roads and approaches and the method of ingress and egress from public highways;
3. The complete electric service installation, wire service outlets and lighting facilities;
4. The complete location of any natural gas facilities to serve the mobile home park;
5. A complete layout of unit parking spaces and the number of square feet therein, together with dimensions thereof; and
6. The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leaching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with said business.

#### 19.2 Mobile Home Parks - Minimum Standards and Requirements

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

1. Park Area: The minimum mobile home park area shall be 10 acres.
2. Lot Area: The minimum lot area per mobile home unit site within the mobile home park shall be 5,000 square feet.
3. Lot Width: The minimum lot width per mobile home unit within the mobile home park shall be 50 feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. Access: Each mobile home park shall abut upon a public street and each mobile home lot shall have direct access to a private hard surface road, such as concrete or asphaltic concrete.

5. Distance Between Mobile Homes: The minimum distance between neighboring mobile homes shall be not less than 30 feet.

6. Concrete Slab: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of 8 x10 feet and minimum thickness of 4 inches.

### 19.3 Utilities

The following requirements shall apply:

1. Water Supply: Water supply shall be from a municipal water service or from approved and protected driven wells that meet all test requirements, provided with tight, elevated concrete platforms and which will not be subject to overflow of surface drainage. A daily minimum of 150 gallons per mobile home shall be required. The source of water supply for human consumption shall meet all the requirements of the Knox County and State Boards of Health. The use of open wells, springs, cisterns, or open storage tanks for human consumption is unlawful and shall constitute a violation of the terms of this Resolution.

2. Sewage Treatment and Sewage Disposal: The treatment of all sewage shall be through a sewage disposal system approved by the Knox County and State Boards of Health.

3. Waste and Garbage Disposal: Mobile home parks shall be kept in clean and sanitary condition and provided with suitable covered metal receptacles for garbage waste, litter, and trash. Disposal of waste and garbage shall be regular and as determined by the Knox County Board of Health.

4. Mobile home units not equipped with water and sewer facilities shall be located not more than 200 feet from a community utility building which shall provide separate toilet and shower facilities for each sex.

5. Fire hydrants shall be located in accordance with the specifications of the National Board of Fire Underwriters.

6. Each mobile home unit shall be equipped with at least one electric outlet.

7. Copies of the recommendations of all approving authorities shall be attached to each application to establish a mobile home park.

#### 19.4 Interior Streets

The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking permitted shall be 20 feet. Such streets shall be paved with a hard surface, such as concrete or asphaltic concrete, and maintained in good condition and lighted at night.

#### 19.5 Recreation Areas

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

#### 19.6 Length of Occupancy

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

#### 19.7 Additional Requirements

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

#### 19.8 Fees

Fees shall be subject to the provisions of Section 23.3 of this Resolution.

## ARTICLE XX

### COMMUNITY DEVELOPMENT PROJECTS

#### 20.0 Projects - Where Located

In any R-2 District, the owners of a tract of land comprising not less than 4 acres may submit to the Zoning Commission a plan for the use and development of all of such tract of land for residential purposes or for the repair or alteration of any existing housing development of such tract.

#### 20.1 Commission Findings

It shall be the duty of the Zoning Commission to investigate and ascertain whether the proposed residential development plan complies with the following conditions:

1. Consistency - Zoning Resolution: That the plan is consistent with the intent and purpose of this Resolution.
2. Adjacent Property - No Adverse Effect: The property adjacent to the area included in the plan will not be adversely affected.
3. Residential Use Only: That the buildings are to be used only for residential purposes and usual accessory uses such as garages, storage space, recreational and community activities, including churches.
4. Lot Area Per Family: That the average lot area per family or dwelling unit contained in the site, exclusive of the area of streets, will not be less than 100 percent of the lot area per family required in the District in which the site is located.
5. Off-Street Parking: That there are to be provided off-street parking facilities in accordance with the requirements of Article XIV.
6. Recreation Facilities: That there are to be provided, as a part of the proposed development, recreational facilities to serve the needs of the anticipated population to be housed therein as follows:
7. Recreation Area -Projects Over 20 Acres: In case any lot or tract on which a residence development Or dwelling group is to be erected contains 20 acres or more, at least 5 percent of the acreage of such lot shall be set

aside and developed as a neighborhood playground or playgrounds.

8. Recreation Area -Projects Under 20 Acres: In case of a lot under 20 acres in area with more than 50 dwelling units, the required area of play lots shall be 2,000 square feet plus 30 square feet for each dwelling unit in excess of 50.

9. Recreation Area -Modifications: These requirements for the provision of recreation areas may be modified or waived by the Zoning Commission where, in its opinion, adequate public recreation areas are available nearby or where justified in view of the availability of suitable yard space or the type of occupancy the dwelling units are designed to accommodate.

### 20.2 Height and Yard Modifications

The height limitations applicable in the district in which a community development project is located may be modified, provided the following requirements are complied with:

1. No principal building or structure shall exceed a height equal to 2 times the distance between the building line and the center line of the street on which it fronts. No accessory structure shall exceed 2 stories or 25 feet in height, except as provided in Article XXIII.
2. The gross area of the project shall comprise of not less than 10 acres.
3. For each foot of building height over 40 feet, the distance between such building and the side or rear property lines of the community development project area shall be increased by one-half foot in addition to the side and rear yard required in the district, provided that this additional setback shall not be considered part of the side and rear yards.
4. High-rise buildings shall be located within a community development project in such a way as to dissipate any adverse impact on adjoining low-rise buildings.

### 20.3 Report Furnished to Board

A report of its findings and recommendations shall be furnished by the Zoning Commission to the Board of Zoning Appeals.

#### 20.4 Board May Authorize Project

Following a public hearing by the Board, and if the Board finds that the proposed residential development, plan is consistent with the intent and purposes of this Resolution, it may authorize the Zoning Inspector to issue a Zoning Certificate even though the use of the land and location of the buildings to be erected and the yards and open spaces contemplated by the plan do not conform in all respects to the regulations of this Resolution for the District in which the site of the proposed development is located.

#### 20.5 Fees

Fees shall be subject to the provisions of Section 23.3 of this Resolution.

## ARTICLE XXI

### PLANNED INDUSTRIAL PROJECTS

#### 21.0 Minimum Area

The owner of a tract of undeveloped land or of land cleared for redevelopment of 20 acres or more which is suited for light industrial development may submit to the Zoning Commission for its review a preliminary plan for the use and development thereof for a planned industrial district regardless of the zoning classification of such tract at the time said plan is filed.

#### 21.1 Commission Findings

It shall be the duty of the Zoning Commission to ascertain that the proposed project will comply with the following conditions:

1. Integrated Design: That the plan provides for an industrial district consisting of several buildings or groups of buildings of efficient and harmonious design, together with properly arranged traffic ways, parking and loading facilities and landscaping so arranged as to create an attractive project readily integrated with and having no adverse effect on adjoining or surrounding areas and developments.
2. Thoroughfare Access Required: That the industrial district will abut a street designated in the official "Thoroughfare Plan" as a primary or secondary thoroughfare or that direct access to such street is provided by means of an acceptable industrial service street.
3. Uses, Design Standards and Improvement: That the proposed uses accord with the uses permitted and that the layout of the proposed industrial district and the proposed improvements conform in all respects with the general design standards and improvements stipulated in this Article.

#### 21.2 Permitted Uses

Any use permitted and as regulated in the M district except uses prohibited therein; provided that any distance requirements and other standards of said districts may be modified by the Zoning Commission.

#### 21.3 Lot Area: Minimum 20,000 square feet.

21.4 Building Height Limit: 35 feet within 200 feet of any R District.

21.5 Distance of Buildings from Project Boundary

If adjoining R District - 100 feet; if adjoining B District - 50 feet.

21.6 Landscaping of Unsurfaced Areas

All unpaved areas shall be landscaped subject to Commission approval.

21.7 Greenbelts

The project area shall be enclosed on all sides by a planted strip at least 20 feet wide, or of such greater width which in the opinion of the Zoning Commission may be necessary for the adequate protection of adjoining premises. The plant material -- subject to Commission approval -- shall have initially a height and compactness of not less than 50% of the ultimately required height and compactness.

21.8 Outdoor Advertising

Shall be prohibited, except that each industry may have one suitable identifying sign not to exceed 150 square feet in area.

21.9 Illumination

Lighting fixtures shall be so installed as to deflect the light away from adjacent properties.

21.10 Final Development Plan

Upon determination by the Zoning Commission that the proposed planned industrial district as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of the Resolution, the proponents shall submit a final development plan, which plan shall incorporate any changes or modifications required by the Commission.

21.11 Recommendations to Township Trustees

If the final plan is found to be in compliance with the requirements herein, the Commission shall submit said plan, its report and recommendations to the Township Trustees, together with an application by the proponents for the necessary appropriate change in zoning district classification of the site of the proposed planned industrial district the Trustees shall hold a public hearing on both the plan and the application for zoning district change. If, in its judgment, other satisfactory arrangements are provided for which -- among other beneficial effects -- will afford properties located in the adjacent zoning districts to which such



distance requirements or other standards are primarily applicable, protection against possible adverse effects equivalent to the protection intended to be provided by means of said distance requirements or other standards.

#### 21.12 Prohibited Uses

Residential and retail business uses of any kind except when accessory to a permitted principal use.

#### 21.13 General Design Standards and Improvement Requirements

The following minimum design standards shall be observed and the owner or developer shall post with the Planning Commission an adequate surety bond or furnish other kind of surety or guarantee, satisfactory to the Commission, assuring at the expense of the owner or developer the installation of improvements specified in the following:

1. Rights-of-Way, Pavements and Utilities: All interior streets shall have a right-of-way width of not less than 80 feet and shall be provided with all-weather concrete pavement, curb and gutter meeting city specifications. All necessary utilities shall be installed meeting city specifications.

2. Off-Street Parking and Loading: Employee parking - one space for each two employees on the maximum shift. Customer parking - at least 10 spaces per plant. Loading facilities shall be determined according to type of industry; must be off-street and of sufficient size to accommodate normal peak loads. Loading docks shall not be placed along building fronts. There shall be provided sufficient storage area to accommodate off-street all plant vehicle storage; storage and maneuvering areas shall be surfaced with suitable pavements.

#### 21.14 Rezoning

Following the public hearing, the Township Trustees may modify the plan, consistent with the intent of the Resolution, and may change the zoning of the site to the appropriate zoning district classification.

#### 21.15 Adjustments -Authorized by Commission

After the final development plan has been approved by the Township Trustees and in the course of carrying out the plan, minor adjustments and rearrangements of buildings, service areas, and other features requested by the developers may be authorized by the Commission.

## ARTICLE XXII

### EXCEPTIONS AND MODIFICATIONS

#### 22.0 Lot of Record

When a lot which 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 used 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.

#### 22.1 Exceptions to Yard Requirements

1. Allowable Projections of Residential Structure Into Yards: Any structure. may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard; provided, however, that such projection shall extend no, closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the requirements; provided such projection is not more than 4 feet and does not reach closer than 4 feet to any lot line.

2. Allowable Projections of Business Structures over Sidewalks: Signs, awnings, canopies, and marquees are permitted to overhang the sidewalk in the B District only; providing the overhanging signs are a minimum of 8 feet above the sidewalk at any point and that all other structures are a minimum of 6 feet 8 inches above the sidewalk at any point.

3. Allowable Projection of Accessory Buildings into Rear Yard: One-story accessory buildings may project into only rear yards abutting on an alley; providing such projection extends not closer than 5 feet to the rear lot line.

#### 22.2 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 aerals.

## ARTICLE XXIII

### ENFORCEMENT

#### 23.0 Enforcement by Zoning Inspector

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

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

#### 23.1 Filing Plans

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

The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not intended to be provided with public water and/or the disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Knox County of the proposed method of water supply and/or disposal of sanitary waste.

#### 23.2 Zoning Certificate

It shall be unlawful for an owner to use or to permit the use of any structure,

building, or land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises, or part thereof, and the proposed use thereof is in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a zoning certificate provided he is satisfied that the structure, building or premises and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste conform with all the requirements of this Resolution.

No permit for 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.

The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this Resolution within 30 days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said 30 days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore.

Failure to notify the applicant in case of such refusal within the said 30 days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

Under such rules as may be adopted by the Board, the Zoning Inspector may issue a temporary Zoning Certificate for part of a building.

Upon written request from the owner or tenants, 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.

After a Zoning permit is used, a foundation must be started within six months and the exterior must be completed within one year or a new zoning permit must be issued.

### 23.3 Fees

Fees shall be charged in accordance with the orders and directions of the Board of Township Trustees.

#### 23.4 Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Township Trustees. Any person, firm or corporation violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use is continued may be deemed a separate offense.

#### 23.5 Violations - Remedies

In case any building is, or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney for Knox County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action or actions, proceedings or proceeding 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 XXIV

### BOARD OF ZONING APPEALS

#### 24.0 Appointment -Board of Zoning Appeals

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his/her successor is appointed and qualified. The members may be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide. The Board may, within the limits of the monies appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary. Vacancies on the Board shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

#### 24.1 Procedure

The Board shall organize and adopt rules for its own government and in accordance with this Resolution. Meetings of the Board 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 Board may compel the attendance of witnesses. All meetings of the Board 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 Township Trustees and shall be a public record.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and a concurring vote of three members of the Board shall be necessary to reverse an order or determination of the Zoning Inspector or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution. The Board may call upon the township departments to render such assistance to the Board as may reasonably be required.

## 24.2 Applications, Appeals, Hearings and Stay of Proceedings

1. Applications - When and by Whom Taken: An application, in cases on which the Board has original jurisdiction under the provisions of this Resolution, may be filed by any property owner, including a tenant or by a governmental official, department, board or bureau. Such applications shall be filed with the Zoning Inspector who shall transmit the same to the Board.

2. Appeals - When and by Whom Taken: An appeal to the Board maybe taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

3. Hearings: The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check payable to the Clerk of the Township or cash payment sufficient in amount to cover the cost of publishing and or posting and mailing the notices of the hearing or hearings. At the hearing any party may appear in person or by attorney. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Knox County on the ground that the decision was unreasonable or unlawful.

4. Decision of the Board: The Board shall decide all applications and appeals within thirty (30) days 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/her, and he/she shall incorporate the terms and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board. A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.



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

#### 24.3 Powers of the Board of Zoning Appeals

1. Conditional Uses, Special Exceptions and Interpretations of Zoning Map:

The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, for special exceptions, 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 the zoning map, the Board shall give due regard to the nature and condition of all adjacent uses and 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 the public interest.

2. Conditional Uses and Special Exceptions: In addition to permitting the conditional uses and special exceptions herein -- before specified, the Board shall have the power to permit the following conditional uses and special exceptions:

3. Nonconforming Uses - Substitution: The substitution of a nonconforming use existing at the time of enactment of this Resolution by another nonconforming 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 a more restricted classification.

4. Nonconforming Uses - Extension: The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that the value of

such extension shall not exceed in all 25 percent of the assessed valuation for tax purpose; provided further that such extension shall be within a distance of not more than 50 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.

5. Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than 25 feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.

6. 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.

7. 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 is 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 a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

#### 24.4 Interpretation of Zoning Map

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

#### 24.5 Administrative Review and Variances

1. Administrative Review: The Board shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the appellant that there is an error in any order, requirements, decision, grant or refusal made by the

Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution.

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

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have the power to authorize a variance from the terms of this Resolution so as to relieve such hardship and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary to insure that the conditions attached are being and will be complied with.

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

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district;
- (b) That such variance is 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) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

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

#### 24.6 General

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

#### 24.7 Variances - Literal Enforcement Would Create Undue Hardship

The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Resolution as will not be contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, owing to 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.

#### 24.8 Variances - 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 to carry out the spirit and purpose of this Resolution, the Board shall have power to authorize a variance from the terms of this Resolution so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In

authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.

#### 24.9 Variances - 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, which all the following facts and conditions exist:

1. 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 uses in the same zoning district.
2. 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.
3. 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.
4. 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 variance is sought is not of so general or recurrent a nature as to make reasonable or practicable the formulation of a general regulation for such conditions or situations.
5. Variances - 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 partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken.

#### 24.10 Performance Standards - Procedure

The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Certificate for uses that are

subject to performance standards procedure under Article XIII of this Resolution as provided in the following:

1. Application: An application for a Zoning Certificate for a use subject to performance standards shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development -- including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article XIII -- in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it as set forth in Paragraph 2 below.

2. Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article XIII for investigation and report. Such consultant or consultants shall report as promptly as possible after their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

3. Review by Board: Within 30 days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction, or specifications, proposed equipment, or operation. Any Zoning Certificate so authorized and issued shall be conditioned upon, among other things, the following:

- (a) that the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and

(b) that the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in' operation will meet said applicable performance standards.

4. Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there are reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established; otherwise by the Township.

## ARTICLE XXV

### DISTRICT CHANGES AND RESOLUTION AMENDMENTS

#### 25.0 Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution 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.

#### 25.1 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.

#### 25.2 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 or 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.

#### 25.3 Public Hearing by 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 20 days nor more than 40 days from the date of the certification of such resolution, or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 15 days before the date of such hearing.



#### 25.4 Written Notice

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing On the current tax roll, 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.

#### 25.5 Transmittal to Regional Planning Commission

Within 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 text and map pertaining thereto to the Regional Planning Commission.

#### 25.6 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.

#### 25.7 Recommendation by Zoning Commission to Township Trustees

The Zoning Commission shall, within 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.

#### 25.8 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 not be more than 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 15 days before the date of such hearing.

#### 25.9 Submission to State Highway Director

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

#### 25.10 Written Notice

Written notice of the hearing by the Township Trustees shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, 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.

#### 25.11 Vote by Township Trustees

Within 20 days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Township Trustees shall be required.

#### 25.12 Effective Date of Amendment 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 the Township equal to not less than 8% of the total vote cast for all candidates in such area at the last preceding general election at which a governor was elected,

requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

#### 25.13 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.

#### 25.14 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 on the grounds 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.

#### 25.15 Fees

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

## ARTICLE XXVI

### VALIDITY AND REPEAL

#### 26.0 Validity

This Resolution and the various Parts, Articles, and Paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this Resolution is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

#### 26.1 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.

#### 26.2 Repeal

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

Adopted this 6th day of September 1983

Board of Township Trustees  
Miller Township  
Knox County, Ohio

Attest: Janice Clements (Clerk)