

MILFORD  
TOWNSHIP KNOX  
COUNTY, OHIO  
AMENDED ZONING  
RESOLUTION

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Effective: April 10, 2024



## RESOLUTION OF ADOPTION

Blocker Resolved:

WHEREAS, the voters of Milford Township, Knox County, Ohio approved the Township Zoning Resolution in a General Election, in accordance with Ohio Revised Code §519; and

WHEREAS, the Board of Trustees of Milford Township have determined it necessary to update the Zoning Resolution to promote the public health, safety, comfort and general welfare of the community, to conserve and protect property and property values, to secure the most appropriate use of land and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan; and

WHEREAS, the Board of Trustees of Milford Township find it necessary and advisable to regulate the location, area, number and size of dwellings, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land and for such purposes dividing the area as are deemed best suited to carry out said purpose, providing a method of administration, and proceedings for the administration and enforcement of the Zoning Resolution; and

WHEREAS, five (5) persons have been duly appointed by the Board of Trustees of Milford Township to serve as a Zoning Commission for said Township; and

WHEREAS, said Zoning Commission has recommended adoption with modifications to the Milford Township Zoning Resolution on February 8, 2024 and has submitted such amendments to the Board of Trustees of Milford Township under authority and in accordance with the provisions of §519.12 of the Ohio Revised Code.

Litzenberg seconded the Resolution. Roll Call: George Blocker, Richard Litzenberg, Peter Dickerson present

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MILFORD TOWNSHIP, KNOX COUNTY, STATE OF OHIO, hereby adopt the revised Zoning Resolution on March 11, 2024 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective April 10, 2024; and

FURTHERMORE, all Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with provisions are hereby repealed to the extent necessary to give the Zoning Resolution full force and effect.

Adopted this 11<sup>th</sup> day of March, 2024

George Blocker, Yes

Richard Litzenberg, Yes

Peter Dickerson, Yes

Attest: Cynthia A. McElhenny, Fiscal Officer

MILFORD TOWNSHIP BOARD OF TRUSTEES  
Milford Township, Knox County, Ohio

Effective as of this 11 day of March, 2024



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## ARTICLE I - Title

This Resolution shall be known and may be cited and referred to as the "Milford Township Zoning Resolution" to the same effect. Internal to this document, it shall be herein referred to simply as the "Zoning Resolution."

## ARTICLE II - Purpose

The Milford Township Zoning Resolution is enforced for the purpose of promoting public health, safety, convenience, comfort, prosperity and general welfare in accordance with the authority granted in Ohio Revised Code Section 519.02(A); and in strict accord with the provisions of Section 519.01 to and including Section 519.99 of the Ohio Revised Code.

The Board of Trustees of Milford Township finds it necessary and advisable to regulate the location, bulk, number of stories and sizes of buildings and other structures, percentages of lot areas which may be occupied, set-back lines, sizes of yards, courts and other open spaces, providing for adequate light, air, the density of population, the uses of buildings and other structures including mobile homes and the uses of land for trade, industry, residence, recreation, or other purposes and for such purposes divide the unincorporated area of the Milford Township into districts or zones. All in accordance with the Knox County Comprehensive Plan for the desirable future development of Milford Township, and to provide a method of administration and to prescribe penalties for violation of provisions hereafter described in the Zoning Resolution -- All as authorized by the Ohio Revised Code.

### ARTICLE III - Interpretations of Standards

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rule or regulation, other than zoning regulations, adopted or issued pursuant to law relating the construction and use of buildings or premises. Where this Resolution imposes a greater restriction than is imposed or required by other rules or regulations or resolutions, the provisions of this Resolution shall control. Nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed herein.

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

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

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

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 ground that said Board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing such regulation, or that the regulation as adopted or amended by said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

## ARTICLE IV - Definitions

### 4.0 Interpretation

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

- a) All words used in the present tense shall include the future tense. All words in the singular include plural, and all words in the plural include the singular. The word "shall" is mandatory and not voluntary. The word "used" shall be deemed to include "designed, intended, or arranged to be used."
- b) All words in this Resolution shall have their customary meanings as defined in the latest edition of Webster's New World Dictionary, except those specifically defined in this Article.

### 4.1 Definitions

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

**Adult Entertainment:** Any material or performance where any of the following apply:

- a) Its dominant appeal is to prurient interest in sex;
- b) Its dominant tendency is to arouse lust by displaying or depicting "Specified Sexual Activities", "Specified Anatomical Areas", sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose; or
- e) It contains a series of displays or descriptions of "Specified Sexual Activities", "Specified Anatomical Areas", sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

**Adult Entertainment Facility:** A Facility having a significant portion of its function as adult entertainment. Such facilities include but are not limited to:

- a) Adult Bookstore and/or Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.
- b) Adult Mini Motion Picture Theatre: A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
- c) Adult Motion Picture Theater: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
- d) Adult Entertainment Business: Any establishment involved in the sale of services or product characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, escort/dating services, and similar functions which utilize activities as specified above.
- e) Massage Establishments: Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for 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 of garbage or offal to swine or other animals.

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

**Apartment House:** See Dwelling, Multi-Family.

**Automobile Service Station:** A place where gasoline, kerosene or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public,

electric vehicle charging equipment is available or repairs are made directly made to motor vehicles, including greasing and oiling on the premises.

**Basement:** A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

**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 the construction of a building.

**Boarding or Lodging House:** A dwelling or part thereof where meals and/or lodging are provided for three (3) or more persons for compensation by previous arrangements, 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.

**Building Line:** The line beyond which no building or part thereof shall project, except as otherwise provided by this Resolution.

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

**Clinic:** A place which provides a range of services by a group of licensed practitioners, their associate and assistant(s), including the care, diagnosis, and treatment of those who are sick, ailing, infirm, and/or injured persons, and including 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, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service as a commercial enterprise.

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

**Display Sign:** A structure that is arranged, intended, or designed or used as an advertisement, announcement, or direction, including a sign, sign screen, billboard, or 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 permanent building used primarily for habitation, but not including facilities for the transient residents nor to include mobile homes.

- a) Dwelling, Single Family: A permanent building separate and free standing, in itself providing living accommodations for one (1) family.
- b) Dwelling, Two-Family: A permanent building or portion thereof exclusively for occupancy by two (2) families.
- c) Dwelling, Multi-Family: A permanent building or portion thereof providing separate living accommodations for three (3) or more families.
- d) Dwelling Unit: One room, or a suite of two or more rooms, designed for or used by one (1) family for living and sleeping purposes, and having only one kitchen or kitchenette.
- e) Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Essential Services: Those public services provided by the state, county, or township.

Floor Area: The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. In calculating floor area, the following shall not be included:

- a) Attic space providing structural head room of less than seven feet, six inches.
- b) Uncovered steps.
- c) Terraces, breezeways, and porches.
- d) Automobile parking space in a basement or garage.
- e) Basements.

Frontage: The linear measurement along the road right-of-way line. If a lot has frontage on more than one (1) roadway, the minimum required frontage shall be measured along just the right-of-way for the roadway, which the lot takes its primary access. For a lot that has portions on both sides of the roadway, minimum required frontage shall be measured on the side with the majority of lot area.

Home Occupation: Any use of a property for business purposes which is clearly incidental to the use of the dwelling for residential purposes.

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

**Junk Yard:** Any outdoor area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including auto-wrecking yards, house- wrecking yards, used lumber yards, and places or yards for storage of same.

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

**Lot:** A designated parcel, tract or area of land established by plat, subdivision or otherwise permitted by law to be used, developed or built upon as a unit.

**Massage:** A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching, or vibrating with the hand or any instruments for pay.

**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:** 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-road parking spaces, for the exclusive use of the guests or occupants.

**Neighborhood Retail Outlet:** A commercial establishment which caters to and can be located in close proximity to or within residential districts designed to serve the day to day needs of the neighborhood.

**Nonconforming Use:** A use of building or land lawful at the time of enactment of this Resolution that does not conform with the "permitted use" provisions of this Resolution.

**Overall Structural Height:** Includes all structures of all kinds, such as church spires, belfries, monuments, radio towers, masts, aerials, and flag poles.

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

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

**Road:** Any public or private way dedicated to public travel. The word "road", shall include the words "street", "highway", and "thoroughfare".



**Sign Area:** The total exterior surface computed in square feet of a sign having but one exposed exterior surface, one half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

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

**Story:** That portion of a building, including between the surface of any 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.

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

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

**Subdivision:**

- a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, anyone of which is less than five (5) acres for the purpose, whether, immediate or future, of transfer of ownership, shall be deemed a subdivision and must be surveyed and platted, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.
- b) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any road or roads, except private roads serving industrial structures, shall be deemed a subdivision and must be surveyed and platted.
- c) The division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities, shall be deemed a subdivision and must be surveyed and platted.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Tourist Home:** A building or part thereof, other than a hotel, boarding housing, 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 road designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or road 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 ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the resolution, would result in unnecessary and undue hardship. 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: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings, except as otherwise provided by this Resolution.

- a) Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line, which the building traditionally faces.
- b) Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
- c) Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.
- d) Height of the Building: The vertical distance from the established average sidewalk grade, road grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building.

Zoning Inspector: The zoning inspector of the Township or an authorized representative.

Zoning Map: The Zoning Map or Maps of the Township, together with all amendments subsequently adopted.

Zoning Permit (Certificate): A document issued by the Zoning or Building Inspector authorizing building, structures, or uses consistent with the terms of the Zoning Resolution and for the purpose of carrying out and enforcing its provisions. This Permit (Certificate) expires one (1) year after issuance. If construction is not complete at that time, a new Certificate must be applied for.

## ARTICLE V - Districts and General Provisions

### 5.0 Districts

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

- AG     Agricultural District
- B-1    General Business District

### 5.1 Zoning Map

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

### 5.2 District Boundaries

The district boundary lines on said map are intended to follow either roads or alleys or lot lines; and, where the districts designated on the Map are bounded approximately by such road, alley, or lot lines, the road 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.

### 5.3 Permit Required to Verify Compliance with Regulations

No building or structure shall be erected, converted, or altered, nor shall any building, structure or land be used except for a purpose permitted in the district in which the building, structure 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-road parking space requirements of this Resolution for the district in which such a building is located.

No building or structure shall be erected without first obtaining a permit, as per these regulations. Whenever construction modifies or extends the footprint or roof line of a structure, a permit must first be obtained. A specific list of structures requiring a permit shall be determined by the Board of Trustees.

### 5.4 Accessory Dwellings

No building in the rear, sides, or front of a principal building on the same lot shall be used for residential purposes unless it conforms to all yard, open space, and road parking requirements. Any accessory dwelling unit must be clearly incidental and secondary to the principal residence. In addition, there must be provided for any rear, side, or front dwelling an unoccupied and

unobstructed accessway not less than twenty (20) feet wide to a public road for each dwelling unit, or not less than fifty (50) feet wide for three or more dwelling units.

#### 5.5 Road Frontage Required

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least two hundred and fifty (250) feet on a road for any lot of less than five (5) acres in area or at least three hundred (300) feet on a road for any lot of five (5) acres or more; and there shall be not more than one (1) single-family dwelling for such frontage.

#### 5.6 Traffic Visibility Across Corner Lots

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

#### 5.7 Off-Road Parking and Loading

In any district, spaces for off-road parking and for off-road loading shall be provided in accordance with the provisions of Article 9.5.

#### 5.8 Essential Services

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

#### 5.9 Unsafe Buildings

Any building which is occupied, must be maintained in a safe condition, without unsanitary conditions, inadequate egress, fire hazards, conditions dangerous to human life or threats to public welfare. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.

#### 5.10 Vacated Road or Alley

Whenever any road, 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 Trailers

A single trailer, coach, recreational vehicle (RV) or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon. In no case shall the above listed structures be allowed to exist as a residence for more than twelve (12) months. A zoning permit shall be required prior to use of temporary dwelling quarters.

### 5.12 Trailers - Visitors

Not more than one (1) trailer, coach or recreational vehicle (RV) 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 thirty (30) days, provided that all provisions of the Knox County Board of Health are complied with. No trailer, coach or recreational vehicle (RV) may be used on an otherwise "unoccupied" property, except for the temporary housing permitted in Section 5.11 of this resolution.

### 5.13 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 Township, such territory shall automatically be classified as Agricultural District (AG) unless otherwise classified.

### 5.14 Accessory Buildings

Accessory buildings are permitted on any lot where they are incidental to a principal structure or use that is permitted or conditionally permitted. Such accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building; at least twenty (20) feet from any lot lines of adjoining lots; and at least sixty (60) feet from the road right-of-way.

### 5.15 Landfills

Disposal of garbage and refuse, including sanitary fills, is prohibited.

### 5.16 Unlicensed Motor Vehicles

No more than one (1) unlicensed and/or inoperable motor vehicle may be kept outside enclosed buildings on any lot.

### 5.17 Junk Yards

Junk yards are prohibited.

### 5.18 Adult Entertainment Facilities

Adult entertainment facilities are permitted in the General Business District (B-1) and herein regulated in accordance with Ohio Revised Code Section 519.02(B).

#### 5.19 Floodplains and Wetlands

Whenever use or structures are proposed within area of potential floodplains or wetland, the Township may request such to be officially delineated by a professional surveyor or engineer on a site plan and/or a separate report and recommendations thereon from the chief engineer of any conservation district. Such report or site plan shall be used to ensure no work will be performed in designated floodplains or wetlands until proper county or state permits are obtained.

Buildings or structures 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 of water pollution or contamination.

#### 5.20 Use Exemptions

The following uses are specifically exempted from this Resolution:

- a) **Agricultural Uses** – The use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be permitted in all Zoning Districts established by this Resolution, and no zoning permit shall be required, but is encouraged with no fee required for such review, for any such building or structure.

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

- 1) Agriculture is prohibited on lots of one (1) acre or less.
- 2) Buildings or structures used for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to the setbacks, size and height requirements for the underlying Zoning District. Buildings housing animals of one-hundred and fifty (150) pounds of weight or more shall be set back at least 200 feet from any neighboring properties. No more than one (1) animal being kept for agricultural purposes and weighing more than 150 pounds shall be permitted for each one (1) acre of lot area.
- 3) Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty-five (35%) percent of the lots in the subdivision are developed with at least one (1) building, structure, or

improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty-five (35%) percent of the lots are so developed, ongoing dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code. Dairying, poultry and animal husbandry shall be prohibited on all lots within the subdivision after thirty-five (35) percent of the lots are so developed.

- b) Farm Markets & Agritourism – Farm markets and agritourism uses shall be permitted in any zoning district provided they derive at least fifty (50) percent of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year are permitted in any Zoning District, subject to the following regulations:
  - 1) Buildings must be placed so as to safely allow for adequate customer off-road parking. Seasonal farm markets may use grassed areas for parking.
  - 2) Buildings must have provided off-road parking at the ratio of one (1) space for each four hundred (400) square feet of farm market, with a minimum of two (2) spaces. Seasonal farm markets may use grassed areas for parking.
  - 3) Permanent farm markets shall have designated parking and provide ingress and egress in accordance with ODOT's safe stopping distance requirements. Setbacks are the same as for any structure in the underlying Zoning District.
- c) Public Utilities' – The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility, whether publicly or privately owned, or the use of land by any public utility for the operation of its business or the use of land for essential services as herein defined shall be permitted in all zoning districts established by this resolution and no zoning permit shall be required for any building or structure or for the use of any land essential to the operations of a public utility.

## 5.21 Fences

Fences shall be permitted if they are located outside of the right-of-way. No fence shall be permitted to lean or deteriorate, to encroach, or cross onto an adjacent property. Supporting members for fences shall be installed on the interior of the lot being fenced. This regulation shall not apply to fences that are designed so that the supporting members are identical in appearance from both sides of the fence. Prior to a fence being permitted on any property line, written support from all adjacent property owners must be supplied to the Zoning Inspector.

## ARTICLE VI – Nonconforming Uses or Buildings

### 6.0 Existing Nonconforming Structures and Uses

Except as hereinafter specified and subject to the law pertaining to nuisance, the lawful use of a structure 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

No existing structure 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, added to, extended, reconstructed, substituted, or structurally altered, unless approved by the Board of Zoning Appeals, and except as follows:

- a) Substitution: When authorized by the Board of Zoning Appeals in accordance with the provisions of Article 16, the substitution for a nonconforming use of another not more objectionable nonconforming use.
- b) Nonconforming Use Made to Conform: Whenever a nonconforming use has been changed 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 twenty-four (24) months or more shall be again put to a nonconforming use.

### 6.3 Repairs

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

### 6.4 Replacing Damaged Buildings

Any nonconforming building or structure that is substantially damaged must conform to existing standards, if it is to be repaired or replaced.

### 6.5 Exception of Essential Services

Essential services, as defined in this Resolution, shall be exempt from the provisions of Sections 6.3 and 6.4 of this Article.



## 6.6 Nonconformity – Voluntary

In accordance with the Ohio Revised Code, any nonconforming use, building, land, or premises which is discontinued for a period of two (2) years or more must be improved to conforming use standards in any future uses of said land or buildings consistent with the Milford Township Zoning Resolution. Where a structure is removed or destructed by more than fifty (50) percent of its total area and/or bulk, it shall be reconstructed only in strict compliance with this resolution.

## ARTICLE VII – Reserved

## 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

- a) Commercial grain storage.
- b) One family residential dwelling,
- c) Home occupations, provided they meet the following standards:
  - 1) The owner of the premises must reside in the dwelling unit on the lot of the home occupation and no person or persons, other than the owners of the premises shall be a majority owner of the home occupation;
  - 2) Not more than two (2) on-site workers in addition to the owner(s) shall be employed in a home occupation;
  - 3) All home occupations shall be conducted entirely within the dwelling unit or accessory building(s) as long as the home occupation is clearly incidental and subordinate to its residential use;
  - 4) Goods or services sold directly to customers on the premises, limited to two (2) customers vehicles at a time, which must be parked entirely outside of the road right-of-way;
  - 5) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such home occupation shall be visible from the road or any another surrounding property, except for up to two (2) work vehicles parked onsite;
  - 6) Equipment or processes shall not be used in such home occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
  - 7) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- d) Public parks, buildings, picnic grounds, religious and educational institutions.

- e) Water and energy conservation works; including water supply works, flood control, solar panels, wind turbines, watershed protection, fish and game hatcheries and preserves, hydro-electric power installation, etc.
- f) Essential services.
- g) Real estate, professional and small announcement signs, compliant with Article 11, that are twelve (12) square feet or smaller in area.

## 8.2 Conditional Uses in the AG District

- a) Home Occupations that do not comply with the Section 8.1(c) above, provided that they are incidental to the use of the property for residential use.
- b) Mobile homes, as per Section 5.11.
- c) Cemeteries and recreation facilities such as fishing lakes, golf courses, golf driving ranges and parks, indoor recreation facilities, campgrounds and similar facilities, provided:
  - 1) The lot is located on a county or state roadway;
  - 2) The lot contains twenty (20) or more acres;
  - 3) Proposed use is not within five hundred (500) feet of a Dwelling;
  - 4) Demonstrate compliance with other governmental requirements for such; and
  - 5) All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.
- d) Commercial rifle ranges, gun clubs, archery course, and other similar uses, provided:
  - 1) The use is not located closer than one thousand (1,000) feet from any adjacent property line;
  - 2) The lot contains one hundred (100) or more acres;
  - 3) Demonstrate compliance with other governmental requirements for such; and
  - 4) All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.
- e) Commercial mining, in accordance with the provisions of Article 12.
- f) Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees, or other improvements intended to reduce the danger of flood erosion shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals 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 and/or the Ohio Dam Law.

### 8.3 Required Lot Area in the AG District

All lots shall be a minimum of two (2) acres in gross area.

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

All lots shall have a minimum lot width of not less than the following minimum standard and not less than the following minimum standard in road frontage, as defined herein, measured along the road right-of-way:

Lots of five (5) acres or more: 300 feet

Lots under five (5) acres: 250 feet

The lot depth shall not exceed three times the lot width. The lot width shall be measured parallel to adjacent road(s) at the right-of-way line. Lot depth shall be measured at the furthest distance of the lot measured perpendicular to the same right-of-way line.

### 8.5 Livestock

No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the animals are pets, are for youth club projects or are for domestic use. Commercial feedlots are prohibited.

### 8.6 Height Regulation in the AG District

The overall structural height limitation shall not exceed forty (40) feet above ground level.

### 8.7 Required Yards in the AG District

All dwellings and structures shall have the following minimum yard spaces (from the road right-of-way):

Front Yard: Sixty (60) feet

Side Yard: Twenty (20) feet

Rear Yard: Forty (40) feet

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

## 8.8 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 for a single-family dwelling:

- a) One-Story: 1,100 square feet of floor area above grade.
- b) One and One-Half Stories: 1,200 square feet of floor area with 700 square feet on the first floor above grade.
- c) Split Level: 1,200 square feet of floor area with 700 square feet above grade.
- d) Bi-Level and Hillside Ranch: 1,200 square feet of floor area with 700 square feet above grade.
- e) Two Stories: 1,400 square feet of floor area with 700 square feet on the first floor above grade.
- f) Mounded Earth and Similar Styles: 1,100 square feet of floor area at floor grade.

Width and Depth: Dwelling shall not be less than twenty (20) feet in width or depth, whichever is the smaller dimension.

## 8.9 Outbuildings

Building permits will be needed for all outbuildings, new or prefab, permanent or portable, in the following categories:

1,000 square feet and larger (fee required)

120 square feet to 999 square feet (fee required)

120 square feet or less (no fee)

All structures must comply to current zoning laws and are subject to inspection by zoning officer.

## 8.10 Off-Road Parking Requirements in the AG District

There shall be provided in the AG District off-road parking in accordance with Article 9.5.

## 8.11 Agricultural Structures – Area, Width, Height, and Yard

Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board or township trustees of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use of agricultural purposes of

land in which such buildings or structures are located, and no zoning permit shall be required for such building or structure, though a Certificate of Agricultural Exemption must be filed with the Zoning Inspector.

#### 8.12 Entrance Requirements

The diameter of all entrance pipe must meet the approval of the Township Trustees and The County Engineer.

#### 8.13 Specification for New Subdivisions and Allotments

All new subdivisions and allotments shall be designed to meet the requirements set forth by Knox County governing such subdivisions and allotments. Approvals from the Regional Planning Commission, County Engineer, Health and Sanitary Board, Township Trustees and any other agencies, as may be required, must first be obtained prior to commencing any construction.

#### 8.14 Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

## ARTICLE IX – B-1 General Business District

### 9.0 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 serve, exclusively on major thoroughfares where centralized sanitary sewer is available.

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

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

- a) Any use permitted in an agricultural district.
- b) Neighborhood Retail Outlets: Furniture, department, clothing, shoe, and variety stores. Hardware, appliance, paint, wallpaper, grocery, meat markets, restaurants, bakeries, agriculture product, and drug stores, provided such shall utilize a floor area of less than 10,000 square feet and not create undue vehicular congestion, excessive noise, or other objectionable influences.
- c) Specialty Shops: Gift shops, magazine, book, and stationary outlets. Florist shops, camera, and photography shops. Sporting goods, antique shops, and tourist homes.
- d) Service and Recreation: Laundromats, dry cleaning, and laundry pick-up stations. Barber and beauty shops, shoe repair, and tailor shops. Marinas, bath houses, and places of amusement and assembly.
- e) Business and Professional Offices: Medical and dental offices, law offices, insurance, and real estate offices.

### 9.2 Conditional Uses Permitted in the B-1 District

- a) Any conditional use permitted in an agricultural district.
- b) Building Trades or Equipment: Building, concrete, electrical, masonry, sheet metal, plumbing, heating, and building materials establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on the premises.)
- c) Vehicle Drive-In and Heavy Vehicle Services: Drive-in theatres, drive-in restaurants, and refreshment stands. Express, cartage, and trucking facilities. Large item machinery or bulk sales and storage not including outdoor unfenced storage.



- d) Heavy Service and Processing Facilities: Laundry and drycleaning plants. Linens, towels, diaper, and similar supply services. Veterinary establishments and similar operations. Frozen food lockers, seed, and food or dairy processing plants, and furniture manufacturing.
- e) Two-Family and Multi-Family Dwellings: Each unit shall have a minimum of eight hundred (800) square feet of living space not including the basement area. For parking requirements, see Section 9.5.
- f) Automotive and Related Uses: Service and repair, automobile service stations, motorcycle and bicycle shops, cab and bus stands and depots.
- g) Accessory Uses or Buildings: Business and advertising signs pertaining to the business on the property on which the sign is located, providing that illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into the public way, and any sign located in a direct line of vision of traffic control signals shall not have flashing intermittent red, green, or amber illumination (see Article 11).

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

- a) Residential Uses: Each residential use to be accompanied in the B-1 Business District shall meet the minimum lot area and minimum lot width and depth requirements of the AG District.
- b) Non-Residential Uses: Each non-residential use shall be located on a lot with a minimum area of not less than five (5) acres, except as hereinafter modified. Such lot shall meet the minimum lot width and depth requirements of the AG District.

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

All buildings and structures shall have the following minimum yard spaces (from the road right-of-way):

Front Yard: Sixty (60) feet

Side Yard: Twenty (20) feet

Rear Yard: Forty (40) feet

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

#### 9.5 Off-Road Parking and Loading Requirements

There shall be provided in the B-1 District off-road parking and loading in accordance with the following provisions:

- a) Automobile or Machinery Sales and Service Garages: One (1) for each 600 square feet of floor area.
- b) Banks, Businesses, and Professional Offices: One (1) for each 250 square feet of floor area.
- c) Bowling Alleys: Seven (7) for each alley.
- d) Schools: One (1) for each five (5) seats in the auditorium or one (1) for each twelve (12) classroom seats, whichever is greater; one (1) for each fifteen (15) students under the age of sixteen and one (1) for each five (5) students over the age of sixteen.
- e) Dance Halls and Assembly Halls (without fixed seats), and Exhibition Halls (except church assembly rooms in conjunction with auditoriums): One (1) for each 100 square feet of floor area used for assembly or dancing.
- f) Dwellings (including apartments and condos): Two (2) for each family or dwelling unit.
- g) Funeral Homes and Mortuaries: Four (4) for each 50 square feet of floor area.
- h) Furniture and Appliance Stores (including household equipment or furniture repair shops over 1,000 square feet of floor area): One (1) for each 400 square feet of floor area.
- i) Hospitals: One (1) for each bed.
- j) Hotels and Lodging Houses: One (1) for each bedroom.
- k) Libraries, Museums, and Art Galleries: One (1) for each 250 square feet of floor area.
- l) Manufacturing Plants, Research or Testing Laboratories, and Bottling Plants (over 1,000 square feet in floor area): One (1) for each three (3) employees in the maximum working shift or for each 1,200 square feet of floor area, whichever is greater.
- m) Medical and Dental Clinics: Five (5) for each doctor.
- n) Motels: One (1) for each living or sleeping unit.
- o) Restaurants, Beer Parlors, and Nightclubs (over 1,000 square feet in floor area): One (1) for each 50 square feet of floor area.
- p) Retail Stores, Shops, etc. (over 2,000 square feet of floor area): One (1) for each 150 square feet of floor area.
- q) Sanitariums, Convalescent Homes, and Children's Homes: One (1) for each two (2) beds.

- r) Sports Arenas, Auditoriums, Theaters, and Assembly Halls (other than schools): One (1) for each four (4) seats.
- s) Wholesale Establishments and Warehouses: One (1) for each three (3) employees on maximum shift or for each 10,000 square feet of floor area, whichever is greater.

#### 9.6 Landscaping or Screening Provisions

For non-residential uses abutting a "B" District, the minimum yards may be reduced to fifty percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board of Zoning Appeals, is provided. Such screening shall be masonry or solid fence between four (4) and six (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 fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

#### 9.7 Entrance Requirements

A minimum requirement of twenty-four (24) feet x twelve (12) inch culverts shall be used at entrances from township roads.

#### 9.8 Prohibited Uses

Any use not specifically permitted or conditionally permitted herein shall be prohibited.

## ARTICLE X – Special Provisions

### 10.0 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:

- a) 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.
- b) Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point. No activity shall emit electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- c) Noise: Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency, or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- d) Vibration: No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
- e) Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
- f) Odors: No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property.
- g) Air Pollution: No pollution of air by fly ash, dust, vapor, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause soiling.
- h) Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- i) Erosion: No erosions, by either wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- j) Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the State Environmental Protection Agency.
- k) Nuisance Vegetation, Refuse and Debris, Junk, and Junk Yards: The accumulation of unsightly trash, vegetation, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse, junk, or debris in any

district shall be a nuisance per se and shall be prohibited. The abatement control, or removal of such nuisances shall be in accordance with the procedures outlined in Section 505.87 of the Ohio Revised Code.

#### 10.1 Enforcement Provisions

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

## ARTICLE XI – Display Signs and Outdoor Advertising

### 11.0 Commercial Signs and Billboard Advertising

The purpose of this Article is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and protection of the Township's rural character. The provisions of this Article are intended to:

- a) Encourage creative and well-designed signs that contribute in a positive way to the Township's visual environment, express local character, and help develop a distinctive image for the Township. Quality and well-maintained signs are encouraged.
- b) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- c) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity

### 11.1 Applicability

The sign standards provided in herein are intended to apply to signs in each zoning district in the Township. Only signs authorized by this Article shall be allowed with the following exemptions:

- a) Existing non-conforming signs – Except as otherwise specifically provided, nothing in this Article shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Zoning Resolution. Nonconforming signs are subject to the provisions of this Article, and any modifications/enhancements must comply with the same.
- b) Content not regulated – The Township regulates only the physical location, size, density and appearance of signage. This Resolution shall not be used to restrict content or constitutionally-protected free speech

### 11.2 Sign Permits

To ensure compliance with the regulations of this Article, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with this article.

The Zoning Inspector will review all sign permit applications within the Township. The Zoning Inspector has thirty (30) days from the date of submittal to review all sign permit applications and either grant or deny the sign permit application.

Applicants for a sign permit must submit the following information:

- a) Color sign rendering.
- b) Site plan and elevations.
- c) Sign dimensions and dimensions of sign mounting material, where applicable.
- d) Distance from all public rights-of-way.
- e) Style, type, wattage, and location of all lighting.
- f) List of construction materials, including sign mounting material, where applicable.

The Zoning Inspector may only approve a sign permit, if the proposed sign meets the requirements of this Article.

### 11.3 Sign Standards

Residential Sign Class	Maximum number per site <sup>1</sup>	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Residential subdivision identification signs	None	N/A	None				
Home Occupation and Child Daycare Centers	1 (only in the AG District)	N	Wall	2 SF	8'	No	Must not be located closer than 10 feet from the nearest right-of-way
		Y	Freestanding bracket or Cantilever (only by "Conditional Use")	20 SF	4'	No	
Public Service, Public Uses, Parks, Conservation Districts or Schools	1 per side of road frontage	N	Wall	1 SF per linear foot of wall surface up to 75 SF	10'	Yes	Must not be located closer than 10 feet from the nearest right-of-way
		N	Monument	48 SF	6'	Yes	
		N	Freestanding bracket	32 SF	6'	Yes	
		N	Cantilever	25 SF	15'	Yes	
		Y	Monument	32 SF	6'	Yes	
Churches or Other Places of Worship	1 per side of road frontage	Y	Wall	1 SF per linear foot of wall surface up to 48 SF	6'	Yes	Must not be located closer than 10 feet from the nearest right-of-way
		Y	Freestanding bracket	32 SF	6'	Yes	
		Y	Cantilever	25 SF	15'	Yes	

Notation 1 – The total number of signs permitted per site can be any combination of the permitted sign types. The maximum number per site does not exceed maximum number per each permitted sign type.

Notation 2 – All lighting of signs must be with down-cast lighting fixtures or shielded to limit glare from the roadway or adjoining properties.

Notation 3 – Any two-sided sign shall be permitted the maximum area per sign on each side.

Non-Residential Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Business identification – Along road frontage where access is permitted	Two (2) per separate business use	Y	Wall	1 SF per linear foot of wall surface up to 80 SF	15'	Yes	
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area  Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	Must not be located closer than 10 feet from the nearest right-of-way
		Y	Blade / Bracket <sup>3</sup>	8 SF	4'	Yes	
		Y	Freestanding Bracket <sup>3</sup>	48 SF	6'	Yes	
							Not allowed for second story tenants unless part of a directory sign. Must not be located closer than 10 feet from the nearest right-of-way
		Y	Monument	100 SF	6'	Yes	Must not be located closer than 10 feet from the nearest right-of-way
		Y	Cantilever	25 SF	15'	Yes	Must not be located closer than 10 feet from the nearest right-of-way
Business identification – Other sides of property or building	1 per tenant space	Y	Wall	1 SF per linear foot of wall surface up to 50 SF	10'	No	Allowed only for uses with no business frontage facing a public road.
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area  Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	Must not be located closer than 10 feet from the nearest right-of-way

Notation 3 – Only one permitted per site



Exempt Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Flags, Pennants or Insignia of any nation, state, township, political unit or educational institution		N	Flags, Pennants	N/A	N/A	Yes	
Signs of a duly constituted government body		N	All types	N/A	N/A	No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area. Window signs are limited to one per window
Cornerstones, Commemorative tablets and historical signs		N		10 SF		No	
Property address signs, or signs with the names of occupants of a property		N	All types	2 SF	4'	Yes	No internal illumination
Official neighborhood watch signs		N	All types	2 SF	5'	No	
Signs authorized by Ohio Dept. of Transportation within their right-of-way		N				Yes	To be located in ODOT right-of-way
Off-site directional signs to publicly owned facilities or emergency facilities		N	All types	12 SF	4'	Yes	
Off-site signs that are part of and accessory to bus shelters, transit shelters, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township Board of Trustees		N	Wall signs and banners	4 SF		Yes	
Signs located inside a building		N	Interior			Yes	Must not be plainly visible from the exterior of the building
Directional signs, entry or exit to parking		N		4 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight
Accessibility signs indicating special parking for the handicapped	1 per parking space	N	Pole / Bracket / Wall	2 SF	6'	Yes	Imprinted with the universal sign of accessibility
Official and legal notices required by a court or government agency		N	Temporary – All types			Yes	
Real Estate Signs	1 per lot	Y (Exempt for 12 SF or less)	Temporary – All types	12 SF	6'	No	Remove 10 days after sale complete. Not permitted in right-of-way.
Open house signs	3 off premise directional	N	Maximum 48 hours display	4 SF	4'	No	Cannot be in ROW, must be with property owners' permission
Promotion of community services, schools, churches and public events	1 per lot	N	Maximum of 30 days per year		10'	Yes	
Decorations associated with national, state, local or religious holidays		N	Flags / Signs / Lights			Yes	Can contain no advertising

Exempt Sign Class	Maximum in number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Political signs	1 per candidate or issue	N	Maximum 72 hours after the election	4 SF	4'	No	Must be setback 10' from road right-of-way.
Sandwich board or A-frame sign	1 per business location (only adjacent to a sidewalk)	N	Limited to regular hours of business	Not more than 3' wide	4'	No	Must leave 5' of sidewalk for passage, only display during daylight hours.

#### 11.4 General Requirements

- a) Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises, unless otherwise permitted.
- b) No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
- c) The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
  - 1) External light sources shall be shielded to limit direct illumination of any object other than the sign;
  - 2) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
  - 3) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
  - 4) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices; and
  - 5) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.
- d) Measurement of sign area.

- 1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles.
  - 2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
  - 3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed a ninety (90) degree angle from any other sign face.
  - 4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
  - 5) Devices dedicated entirely to time and temperature display shall not be included within the measurement of maximum sign area.
- e) The text of permanent signs shall relate only to the name and/or nature of the business. Permanent signs that advertise continuous sales, special prices, etc. shall not be allowed.
  - f) No display sign shall hereafter be voluntarily altered, enlarged, extended or relocated except in conformity with the provisions of this Article. General maintenance, refacing or modification of text of signs shall not be deemed to be an alteration within the meaning of this Resolution.
  - g) Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are prima facia evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

When the Zoning Inspector determines that such a sign exists in a state of disrepair, the Zoning Inspector shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.

- h) When a business ceases operation for at least 90 days, the sign shall be removed. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

## 11.5 Standards for Specific Types of Signs

- a) Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows.

**Location.** Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. All awning or canopy signs on a property must be of a uniform size, font and type.

**Maximum area and height.** No structural element of an awning or canopy shall be located less than eight feet above finished grade. An awning valance shall be located no less than seven feet above finished grade.

**Lighting.** Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

**Required maintenance.** Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

b) Blade/bracket signs on building.

**Location.** Blade or bracket signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

**Maximum area and height.** The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.

**Sign structure.** Sign supports and brackets shall be compatible with the design and scale of the sign.

c) Changeable copy signs.

Changeable copy signs may only be allowed:

- 1) In conjunction with facilities used exclusively for educational, religious, governmental, cultural, or theatrical purposes and limited to a maximum area of thirty-two (32) square feet; or
- 2) Business advertisement, including advertising gasoline prices, limited to a maximum area of twelve (12) square feet.

Portable changeable copy signs are prohibited.

d) Freestanding bracket signs.

**Location.** The sign may be located only on a site frontage adjoining a public road.

**Sign mounting.** The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than 12 inches.

e) Monument signs.

Location - The sign may be located only along a site frontage adjoining a public road. Signs must be no closer than 10 feet to the public right of way line.

Material - The base of must be constructed of a natural material.

Design - The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.

f) Wall signs.

Projection from wall. The sign shall not project above the edge of the roof of a structure and from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches in the B-1 district. In the AG district, a wall sign shall not project more than 3 inches.

g) Cantilever signs.

Location. The sign may be located along any site frontage adjoining a public road.

Design. The design of a cantilever sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.

h) Off-site Advertising / Billboards.

Location. The sign may be located in all districts and along a site frontage adjoining a state-maintained public roadway. The sign must be setback from the right-of-way at least ten (10) times the top of the sign. The sign may not be within three-hundred (300) feet of any off-site structure or other off-site advertising sign or billboard.

Design. The design of an outdoor advertising / billboard sign shall be consistent with the overall scale of any nearby building, if applicable. The design and placement of the sign shall not obstruct traffic safety sight areas. Digital signs are permitted, as long as they include a night-time dimmer and are programmed to not generate a glare or illuminate the roadway or off-site property.

## 11.6 Prohibited Signs

The following signs and types of signs are inconsistent with the purposes and standards of this Article and are prohibited in all zoning districts unless otherwise expressly allowed by the Ohio Revised Code.

- a) No display signs except those exempted herein, park/recreation sign, church sign, public/private school sign, comprehensive subdivision type signage, and temporary signs

shall be permitted in any residential district, excluding parcels occupied by commercial uses in Planned or conditional uses permitted in a residential district.

- b) No Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Knox County Engineer or Milford Township Board of Trustees.
- c) Air actuated attraction devices.
- d) Roof signs.
- e) Pole signs.
- f) Portable changeable copy signs except as noted herein.
- g) Any sign blocking visual sight distance from any vehicular intersection, whether public or privately maintained, as determined by the County Engineer's Office and/or the Milford Township Board of Trustees.
- h) Any sign illumination that generates a glare or illuminate the roadway or off-site property.
- i) Any sign not included under the types of signs permitted in any district regulations or in this Article.

#### 11.7 Temporary Signs Requiring Permits

A temporary sign permit is required prior to the erection or construction of any temporary sign listed below. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

- a) Subdivision Signs – Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) road shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a commercial development. Such signs shall not be utilized to advertise the sale, lease or development of un-subdivided land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right of way. Such signs shall be permitted for a one (1) year period or until ownership of at least of sixty (60) percent of the platted lots is transferred.
- b) Banner Signs – Banner signs may be installed subject to the following requirements:
  - 1) That the size of the banner sign shall not exceed that allowed for a permanent wall sign.

- 2) That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year.
  - 3) That a banner sign shall not be displayed above the roof line of any structure.
- c) Portable Signs – Portable signs shall be limited to unlit signs and shall be permitted for not more than three (3) consecutive weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.
  - d) Construction Signs – Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed sixteen (16) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after applicable work is completed.

#### 11.8 Abandoned Signs

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

- a) Any sign associated with the abandoned nonconforming use.
- b) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- c) Any sign that is not maintained.
- d) Any sign located in the road right-of-way posted in conflict with this Article.

When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, the Zoning Inspector shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the

Board of Zoning Appeals. The Zoning Inspector shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

If the sign is not removed as ordered, the same may be removed by the Township Board of Trustees at the expense of the lessee or owner. If the Township is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

#### 11.9 Violations, Penalties and Remedies

Any person, firm or corporation violating any requirement or prohibition of this Article shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Inspector, shall render such person, firm or corporation subject to the penalties provided herein.



## ARTICLE XII – Extraction of Minerals

### 12.0 Purpose

Quarries, sand and gravel operations<sup>1</sup> or other mineral extraction operations may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant.

### 12.1 Applications

All conditional use applications for mineral extraction operations within Milford Township shall be accompanied by the following:

- a) Vicinity maps, drawn at a scale of one (1) equals one thousand (1,000) feet, illustrating extraction in relation to surrounding existing proposed land uses, existing and proposed roads, surrounding zoning districts.
- b) A map at a scale of at least one (1) inch equals one hundred (100) feet, showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property.
- c) Name and address of the owner or owners of the surface rights of the land from which removal is to be made.
- d) Name and address of the applicant making request for such a permit.
- e) Name and address of all persons or corporations that will conduct the actual mining operations. Should the operator subsequently change before mining is completed, the applicant shall notify the Zoning Inspector three (3) days prior to the new operator initiating mining operations.
- f) Vertical aerial photograph at a scale of one (1) inch equals two hundred (200) feet, showing site, contiguous land, and accessible public roads.
- g) The location, description, and size of the total anticipated area of excavation.
- h) A timetable for excavation of the site and a list of the types of resources or minerals to be extracted.
- i) The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required.
- j) A study of the anticipated depth of excavations and the probable effect to the existing water table, to be conducted by a qualified Professional Engineer registered in the State of Ohio. If the water table is to be affected, the operator shall provide proof, before

permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply.

- k) A general description of the equipment to be used for excavating, processing, and/or transporting of the extracted mineral resources.
- l) A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
- m) The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
- n) A copy of the state application as approved by the Division of Reclamation. Any revisions to the application over the life of the permit shall be submitted within ten (10) days of approval to the Board of Zoning Appeals.
- o) A surety bond in the amount of \$10,000.00 will be obtained and attached to the application to be filed guaranteeing the repair of all damage to public property including damage to roads, pavement, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, road or traffic signs or signals, and drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.
- p) A reclamation plan containing the following information:
  - 1) The angle of all banks consisting of rock and the required cover.
  - 2) The location of fences or effective plantings in those areas where angles of slope are not physically or economically feasible to reduce.
  - 3) The type and number per acre of trees, shrubs, ground cover, or legume to be provided.
  - 4) The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities, and other improvements.
- q) Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.

## 12.2 Permits

All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources, prior to the issuance of a conditional use permit.

## 12.3 Controls

- a) Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
- b) All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration.
- c) Operations on Sundays and legal holidays recognized by the State of Ohio shall be prohibited.
- d) Actual working hours requested subject by applicant are subject to approval or modification by the Board of Zoning Appeals.

## 12.4 Mining

- a) Mineral extraction to a depth of not exceeding six (6) feet may be conducted up to one hundred fifty (150) feet of any property line, provided that the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. Quarrying shall not be conducted closer than five hundred (500) feet from any property line unless a written variance is first obtained from the Township Zoning Appeals Board.
- b) Whenever the floor of a quarry is greater than five (5) feet below the average grade of an adjacent public road or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty-five (25) feet from any road right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.
- c) Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.

- d) All equipment and structures excluding fences shall be removed within three (3) months of the completion of surface mining operations.
- e) Excavation, washing, and stockpiling of extracted material shall not be carried on closer than one hundred fifty (150) feet to any property line, or such greater distance as specified by the Board, where such is deemed necessary for the protection of adjacent property except that this distance requirement may be reduced by the written consent of the owner or owners of the abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
- f) The operator shall maintain complete records on a daily basis of all blasting operations, including records of the time, the date, the location, and a complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning Appeals, the operator shall cooperate fully in any investigation by the Board of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to comply adequately with the provisions of this subsection, said operator shall immediately take steps to provide full compliance herewith.

## 2.5 Roads

- a. Temporary operational roads shall not be located closer than two hundred (200) feet from any property line or existing dwelling.
- b. Access roads shall be hard surfaced for dust control.
- c. In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:
  - 1) All sand and gravel excavations shall be located at least one hundred (100) feet and backfilled to at least one hundred fifty (150) feet from a road right-of-way line.
  - 2) All quarrying or blasting shall be located at least one hundred (100) feet from the right of way of any existing or platted road, street, highway, or railway.
- d. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the community.

## 12.6 Reclamation Standards

Every applicant granted a conditional use permit for a mineral extraction operation shall furnish a reclamation plan that includes the surrounding area extending five hundred (500) feet off the property boundary line. Such plan shall be at a scale beyond one (1) inch equals one hundred

(100) feet, showing the proposed final topography of the area indicated by contour lines of no greater than five (5) feet. The plan shall be in accordance with the requirements of the Ohio Revised Code, Section 1514.02 and the following standards:

- a) The depth of the proposed cover shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than eighteen (18) inches.
- b) All excavations shall either be made to a depth not less than five (5) feet below a water-producing level, or graded and/or backfilled with non-noxious and nonflammable solids, to assure that the excavated area will not collect and retain stagnant water.
- c) The angle of slope of all earthen banks shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
- d) Vegetation shall be restored by the spreading of sufficient soil and appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
- e) The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than three (3) feet horizontal to one (1) foot vertical, a minimum of six (6) vertical feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.
- f) The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.
- g) Reclamation shall be deemed complete after two (2) years of vegetative growth and a substantial cover has been established.

## ARTICLE XIII – Oil and Gas Exploration

### 13.0 Purpose

Chapter 1509 of the Ohio Revised Code permits townships to enforce health and safety standards for the drilling and exploration for oil and gas. Accordingly, the following are hereby established as conditional use standards to protect the health, safety, and welfare of Milford Township residents.

### 13.1 Application

- a) All applicable federal and state laws shall be complied with.
- b) At least seven (7) working days prior to any drilling operations there shall be filed with the Milford Township Zoning Inspector a copy of the permit application and surveyor's plat as submitted to the Chief of the Division of Oil and Gas, Ohio Department of Natural resources, along with a vicinity map with the well site marked on it. A surety bond in the amount of \$25,000 will have been obtained and will be attached to the drilling permit application to be filed with said application guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well, including damage to streets, pavement, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, and drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.
- c) The names, addresses, and telephone numbers of persons responsible for the operation and maintenance of each well and tank site shall be given to the Zoning Inspector and updated any time there is a change.

### 13.2 Regulations

- a) No person shall drill any oil and gas well, nor erect, maintain, or use a storage tank, separation tank, compressor station, or temporary pit for storage of saltwater and oil field waste within five hundred (500) feet of any dwelling.
- b) No oil and gas well drilling, or storage of saltwater, sludge, or other oil field wastes shall be permitted within one thousand (1,000) feet of any body of water used for public water supply or recreational purposes.
- c) No oil and gas wells shall be permitted within a one hundred (100) year flood plain.
- d) Storage tanks, separators, and well installations shall be entirely enclosed by a six (6) foot high chain fence and gate plus three (3) strands of barbed wire above the top of the fence.

- e) Keys for each well and tank site shall be made available to the Knox County police and fire departments to ensure access to well sites in case of emergency.
- f) An impervious dike shall be constructed around storage tanks. The dike shall be of sufficient capacity to contain two hundred (200) percent of the total contents of the tank or tanks.
- g) A screening plan shall be required if the well site adjoins or faces residential property.
- h) Erosion shall be controlled by means of detention or other physical control.
- i) Tanks, gathering lines, and fittings shall be kept in good repair and maintained on a regular basis.
- j) No salt water, sludge, fractured water, or any other oil field wastes shall be deposited or discharged in Milford Township for any purpose except into an authorized injection well.
- k) Within six (6) months after a well that has produced oil or gas is plugged, or after the plugging of a dry hole, the owner or his agent shall remove all production and storage structures, supplies and equipment, and any oil, salt water, and debris, and fill any remaining excavations. Within such period the owner or his agent shall grade or terrace and plant, seed, or sod the area disturbed, where necessary to bind the soil and prevent substantial erosion and sedimentation, all to the satisfaction of the Milford Township Board of Zoning Appeals.

### 13.3 Access Roads and Driveways

Access roads and driveways shall be as follows:

- a) Constructed with a suitable hard surfaced material to provide emergency vehicle access during inclement weather.
- b) Constructed to a width of twelve (12) feet.
- c) Adequately fenced and have a gate with a locking device installed at or near the public road entrance to prevent unauthorized entry from public roads.
- d) Maintained to minimize dust and the tracking of mud and debris onto public roads.
- e) Constructed with an adequate turnaround area for emergency vehicles.
- f) Reviewed and approved by the Knox County Engineer's Office as to specifications, construction materials, and final site inspection.

- g) Truck routes shall be approved by the Board of Zoning Appeals for movement in and out of the drilling operation in order to minimize wear on public roads and prevent hazards and damage to other properties in the community.



## ARTICLE XIV – Exceptions and Modifications

### 14.0 Lot of Record

When a lot is an official lot of record at the time of adoption of the Zoning Resolution does not comply with the area, yard, or other requirements of the Zoning Resolution, such lot may be used as a building site provided, however, that the proposed building is compliant with yard setbacks and other requirements of this resolution, so as to not generate additional non-conforming conditions.

### 14.1 Exception to Yard Requirements

- a) Allowable Projections of Residential Structures 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 road than either of the adjacent structures.

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

- b) Allowable Projections of Business Structures Over Sidewalks: Signs, awnings, canopies, and marquees are permitted to overhang the sidewalk in the B-1 District only, providing that the overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of six (6) feet, eight (8) inches above the sidewalk at any point.
- c) Allowable Projection of Accessory Buildings into Rear Yards: One story accessory buildings may project into only rear yards abutting on an alley, providing such projection extends not closer than five (5) feet to the rear lot line.

### 14.2 Exception to Height Limitations

No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Inspector demonstrating compliance herein, except wind projects of 50 megawatts or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind projects less than 50 megawatts and used solely for agriculture will be exempt from these zoning regulations as an agricultural use.

Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a permitted use.

- 1) Height: The height of any turbine shall comply with the following:

- a) Turbines mounted on the ground: The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.
  - b) Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus 15 feet.
- 2) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:
- a) Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade,
  - b) Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted,
  - c) Turbines mounted on the ground or on a structure: The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- 3) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
- 4) Decibel Levels: Decibel levels shall not exceed 70 decibels, by design or at the location of the tower.
- 5) Shadow Flickering: Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's

movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.

- 6) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- 7) Signs: No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 8) Lighting: No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 9) Permits: All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio and Knox County Building Department.
  - a) A permit shall be required before construction can commence on an individual wind turbine project.
  - b) As part of the permit process, the applicant shall inquire with the County Building Regulations, if applicable, as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports or runways.
  - c) Applicant shall then provide the Township Zoning Inspector with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
- 10) Location of all public and private airports and runways in relation to the location of the wind turbine.
- 11) A report demonstrating the total size and height of the unit, the construction details of any structural foundation, a list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.
- 12) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines, as well as soil and bedrock data.
- 13) Evidence of established setbacks and "clear fall zone."

- 14) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

## ARTICLE XV – Enforcement

### 15.0 Township Zoning Inspector

The Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as the Trustees deem necessary, and designate him as the enforcing officer of this Resolution. Any official or employee of the Township may assist the Zoning Inspector by reporting any new construction, reconstruction, land use changes, or suspected violations. Duties of the Zoning Inspector shall include:

- a) Review of all applications within the Township for zoning permits to insure that they conform to all applicable provisions of this Resolution. The Zoning Inspector shall keep a record of all applications.
- b) Conduct on-site inspections to insure the actual construction will conform to the zoning permit.
- c) Upon finding that any of the provisions of this Resolution are being violated, the Zoning Inspector shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.
- d) Order discontinuance of illegal uses of land, buildings, or structures.
- e) Order removal of illegal buildings or structures or illegal additions or structural alterations.
- f) Review all applicable subdivision plats and lot splits which are submitted to the Knox County Regional Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
- g) Identify and prepare a list of all commercial, industrial, and residential nonconforming lots, uses of land, and structures of record at the time of adoption or amendment of this Resolution. The list shall include the name, address, and telephone number of the owner or owners, a description of the nonconformities of each lot, use, and/or structure and the date on which the lot, use, and/or structure became nonconforming. Photographs that visually describe the nonconformities of the property, structures, or use shall also be taken and dated to help document conditions. Such photographs and the written description of the nonconformities shall be kept as permanent records.
- h) Issue monthly reports to the Zoning Commission, Board of Zoning Appeals, and Township Trustees regarding activities and inspections undertaken to meet the responsibilities outlined.

## 15.1 Filing Plans

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

The lot and the location of the building thereon shall be staked 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. Any such building shall not be occupied until evidence of approval of a final inspection by the Health Department of Knox County is provided to the Zoning Inspector.

## 15.2 Zoning Permit

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 Permit shall have been issued by the Zoning Inspector. Such Zoning Permit shall show that such building or premises, or part thereof, and the proposed use thereof, are in conformity with the provisions of this resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Permit 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 the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and intended use conform with 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 thirty (30) days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Permit within said thirty (30) days or shall notify the applicant in writing of his refusal of such Permit and the reasons therefor.

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

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

Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Permit 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.

### 15.3 Fees

Fees shall be charged in accordance with the orders and directions of the Board of Township Trustees for all administrative permits and applications to be considered by the Zoning Commission and Board of Trustees. The fee for review shall be doubled in the event beginning of construction has occurred on the structure or building that is subject of the permit.

### 15.4 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 in violation of the Resolution and subject to prosecution and or a fine of up to five hundred dollars (\$500) per offense. Each and every day during which illegal location, maintenance, or use continues may be deemed a separate offense.

### 15.5 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, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

## ARTICLE XVI – Board of Zoning Appeals

### 16.0 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 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 of Zoning Appeals may, within the limits of the money appropriated by the Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary. Vacancies on the Board of Zoning Appeals shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

### 16.1 Procedure

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

Three (3) members of the Board of Zoning Appeals shall constitute a quorum. The Board of Zoning Appeals shall act by resolution; and a concurring vote of three members of the Board of Zoning Appeals 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 of Zoning Appeals has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

The Board of Zoning Appeals may call upon the township departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board of Zoning Appeals as may reasonably be required.

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

- a) Applications When and by Whom Taken: An application, in cases on which the Board of Zoning Appeals 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 of Zoning Appeals.

- b) Appeals: When and by Whom Taken: An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by, any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals. all the papers constituting the record upon which the action appealed from was taken.
- c) Hearings: The Board of Zoning Appeals shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice to the parties in interest, including all adjoining property owners, give notice of such public hearing by one (1) publication in one (1) 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 forty-five (45) days 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 costs 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 of Zoning Appeals may appeal to the Court of Common Pleas of Knox County on the ground that the decision was unreasonable or unlawful. Such appeal must be filed within fifteen (15) days after notice of decision.
- d) Decision of the Board of Zoning Appeals: The Board of Zoning Appeals shall decide all applications and appeals within forty-five (45) days after the final hearing thereon. A certified copy of the Board of Zoning Appeals' decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the items and conditions of the same in the permit to the applicant or the appellant whenever a permit is authorized by the Board of Zoning Appeals.

A decision of the Board of Zoning Appeals shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board of Zoning Appeals 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.

- e) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector certified to the Board of Zoning Appeals after Notice of Appeal shall have been filed with him that by reason of facts stated in the permit a stay would in his opinion cause imminent peril o 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 of Zoning Appeals on application after notice to the Zoning Inspector or by judicial proceedings.

### 16.3 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to hear and decide in accordance with the provisions of this Resolution, applications filed as hereinbefore provided for conditional uses, special exceptions (e.g. variances), or for interpretation of the Zoning Map (e.g. administrative appeals), or for decisions upon other special questions upon which the Board of Zoning Appeals 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 of Zoning Appeals 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 of Zoning Appeals 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 of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest.

In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board of Zoning Appeals shall have the power to permit the following conditional uses and special exceptions:

- a) 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.
- b) 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 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 twenty- five percent of the assessed valuation for tax purposes; provided further that such extension shall be within a distance of not more than fifty (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.
- c) 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 twenty-five (25) feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
- d) Performance Standards Procedure: The Board of Zoning Appeals shall have the power to authorize, upon application in specific cases, filed as hereinbefore provided, issuance of a Zoning Permit for uses that are subject to Performance Standard procedures as provided in this Resolution.
- e) Temporary Structure and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere

in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Permit for such use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

#### 16.4 Interpretation of Zoning Map

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

#### 16.5 Administrative Review

The Board of Zoning Appeals shall have the power to hear and decide appeals filed as hereinbefore provided where it is alleged by the applicant that there is an error in any order, requirements, decision, or grant or refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution.

In exercising its power, the Board of Zoning Appeals may, in conformity with the provisions of statutes 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 the powers of the officer from whom the appeal is taken.

#### 16.6 Variances:

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, provided such variances from the terms, provisions, or requirements of this Resolution as will not be contrary to the public interest; if the following:

- a) Literal Enforcement Would Create Practical Difficulty or Undue Hardship: 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.
- b) 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 the 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 - unnecessary to carry out the spirit and purpose of this Resolution - the Board of Zoning Appeals shall have the power to authorize a variance from the terms of this Resolution, so as to relieve such hardship. In authorizing a variance, the location, character, and other features of the proposed structure or use may be considered by the Board of Zoning Appeals as it may deem necessary in the interest of the furtherance of the purpose of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board of Zoning Appeals shall require evidence and guarantee or bond as it may deem necessary, to enforce compliance with the conditions attached.

- c) Findings of the Board of Zoning Appeals: No such variance of the provisions or requirements of this Resolution shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals finds, beyond reasonable doubt, that all of 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 use 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 of Zoning Appeals 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 reasonably practicable the formulation of a general regulation for such condition or situation.

## 16.7 Conditional Uses and Performance Standards

The Board of Zoning Appeals shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Permit for uses that are subject to performance standards' procedure under Article 10 of this Resolution, as provided in the following:

- a) Application: An application for a Zoning Permit for a use listed as conditional and/or subject to performance standards shall be submitted in duplicate on a form prescribed by the Board of Zoning Appeals. 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 10 in accordance with rules prescribed by the Board of Zoning Appeals 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.

- 1) Conditional Use Permit: Wherever it is stated in the Zoning Resolution, certain conditional uses may be permitted in a District. Where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of a Comprehensive Plan.

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

A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. A Conditional Use Permit must be reviewed for compliance ninety (90) days after issued and within three (3) years of issue date by the Zoning Inspector. The Zoning Inspector can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three (3) years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.

If the property is sold, the new owner shall come before the Board of Zoning Appeals to review the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the Board of Zoning Appeals may lead to the Board of Zoning Appeals revoking the CUP requiring application for a new CUP.

- 2) The BZA may revoke a Conditional Use Permit, in accordance with Ohio Revised Code 519, for reasons including:
  - i. Repeated violations of Conditional Use Permit;
  - ii. Change in the nature of the activity beyond the extent of the Conditional Use Permit;
  - iii. Nature or size of activity becomes intrusive to neighbors or community; or
  - iv. The approved use is discontinued for a period of more than one (1) year.

- 3) Substitution of a Non-Conforming Use: The Board of Zoning Appeals may grant a substitution of a non-conforming use, provided that application is made within two (2) years of the use terminating.
  - 4) Such application for a substitution of a non-conforming use may be approved, conditionally approved or rejected, based on the following criteria:
    - (i) No structural alterations, except those required by law or Resolution, shall be made;
    - (ii) The proposed substitution of use shall be equally appropriate to the current zoning district as the existing nonconforming use; and
    - (iii) Provided that the substituted use shall be of the same or of a more restricted classification.
- c) Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board of Zoning Appeals 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 10 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
- d) Review by Board of Zoning Appeals: Within thirty (30) days after the Board of Zoning Appeals has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board of Zoning Appeals 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 Permit or require a modification of the proposed plan of construction or specifications, proposed equipment, or operation. Any Zoning Permit so authorized and issued shall be conditioned upon, among other things, the following:
- 1) That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards, and;
  - 2) That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board of Zoning Appeals to advise the Board of Zoning Appeals as to whether or not the applicant's completed buildings and installations in operation will meet said applicable performance standards.
- e) Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of Zoning Appeals of the occurrence or existence of a probable violation thereof. The Board of Zoning Appeals shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board of Zoning Appeals to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the Township.

## ARTICLE XVII – District Changes and Resolution Amendments

### 17.0 Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be proposed and considered in accordance with Ohio Revised Code Section 519.12. When contrary to the requirements herein, the provisions of the Ohio Revised Code shall prevail.

Such proposed amendments 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.

### 17.1 Procedure for Change

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon required 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.

### 17.2 Voting Procedure

There shall be a rotating voting procedure so no member, shall be expected to cast the first vote. This order, shall be alphabetically with the last names of the present members. In the event there are less than five (5) members on the Zoning Commission due to resignation or, termination, the remaining members shall become the voting body.

### 17.3 Names and Addresses of Property Owners

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll. This requirement shall not apply when ten (10) or more parcels are subject to the application.

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

#### 17.5 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 U.S. Mail at least (10) 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. This requirement shall not apply when ten (10) or more parcels are subject to the application.

#### 17.6 Transmittal to Regional Planning Commission

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

#### 17.7 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.

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

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

#### 17.9 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 thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.



#### 17.10 Written Notice

Written notice of the hearing shall be mailed by the Township Trustees to all owners of property within and contiguous to the area proposed to be reclassified or redistricted, by U.S. Mail at least ten (10) 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.

#### 17.11 Vote by Township Trustees

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

#### 17.12 Effective Date of Amendment or Supplement, Referendum

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

#### 17.13 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.

