

Zoning Resolution

**Hilliar Township, Ohio
Passed - September 22, 2003**

Prepared for:

Board of Trustees of Hilliar Township

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TABLE OF CONTENTS

		Page
ARTICLE I	AUTHORIZATION, PREAMBLE AND TITLE	I - 1
Section 1.01	Authorization and Purpose	I - 1
Section 1.02	Short Title	I - 1
ARTICLE II	CONSTRUCTION OF LANGUAGE AND DEFINITIONS	II - 1
Section 2.01	Construction of Language	II - 1
Section 2.02	Definitions	II - 2
ARTICLE III	ESTABLISHMENT OF ZONING DISTRICTS AND MAP	III - 1
Section 3.01	Establishment of Zoning Districts	III - 1
Section 3.02	Establishment of Zoning District Regulations	III - 1
Section 3.03	Official Zoning Districts Map	III - 1
Section 3.04	Interpretation of Zoning District Boundary Lines	III - 2
ARTICLE IV	ZONING DISTRICT REGULATIONS	IV - 1
Section 4.01	Development Standards	IV - 1
Section 4.02	Zoning District Requirements	IV - 1
Section 4.03	Permitted Uses	IV - 1
Section 4.04	Conditionally Permitted Uses	IV - 1
Section 4.05	RC Rural Conservation District	IV - 1
Section 4.06	General Business District	IV - 6
Section 4.07	R-1 Residential District	IV - 8
Section 4.08	MH Manufactured Home Park District	IV-10
Section 4.09	R-2 Residential District	IV-12
ARTICLE V	SPECIAL DISTRICTS	V – 1

		Page
ARTICLE VI	CONDITIONALLY PERMITTED USE STANDARDS	VI - 1
Section 6.01	Purpose	VI - 1
Section 6.02	Procedure	VI - 1
Section 6.03	Criteria for all Conditionally Permitted Uses	VI - 3
Section 6.04	Design Standards	VI - 4
	1. Asphalt Plants	VI - 4
	2. Auto-Marts, Automobile Service Centers and Gasoline Service Stations	VI - 4
	3. Automotive Car Wash	VI - 5
	4. Bed and Breakfast	VI - 5
	5. Churches and Other Places of Religious Worship	VI - 6
	6. Commercial Kennels	VI - 6
	7. Day Care Centers, Nurseries, Day Schools	VI - 7
	8. Mini-Warehouses	VI - 7
	9. Offices	VI - 8
	10. Oil and Gas Wells	VI - 9
	11. Private Cemeteries	VI - 9
	12. Private or Governmentally owned and/or operated rifle ranges, gun clubs, archery courts, private parks, swimming facilities, golf courses, riding academies and other similar outdoor activities	VI - 10
	13. Quarrying and Mining of Minerals or Materials	VI - 11
	14. Restaurants	VI - 12
	15. Sexually Oriented Businesses	VI - 12
	16. Telecommunication Equipment Sitting	VI - 15
	17. Antique Stores and Gift Shops	VI - 16
	18. Upholstery and Furniture Refinishing	VI - 16
Section 6.05	Actions to Prevent Violations	VI - 16
Section 6.06	Continuation of Existing Uses	VI - 16

	Page
ARTICLE VII GENERAL PROVISIONS	VII - 1
Section 7.01 Scope of Zoning Resolution	VII - 1
Section 7.02 Accessory Buildings and Uses	VII - 1
Section 7.03 Approval of Subdivision Plats	VII - 4
Section 7.04 Conflicting Regulations	VII - 5
Section 7.05 Corner Clearance	VII - 5
Section 7.06 Corner Lots	VII - 5
Section 7.07 Development	VII - 5
Section 7.08 Development Plan	VII - 5
Section 7.09 Driveway Setback and Construction Specifications	VII - 7
Section 7.10 Exclusionary Nature of Zoning Resolution	VII - 7
Section 7.11 Exterior Lighting	VII - 7
Section 7.12 Fences	VII - 8
Section 7.13 Flood Zone Standards	VII - 9
Section 7.14 Greenbelts	VII - 9
Section 7.15 Junk Vehicles and Materials Prohibited	VII - 11
Section 7.16 Lots, Yards and Open Spaces	VII - 11
Section 7.17 Minimum Lot Width Requirement	VII - 11
Section 7.18 Non-Conforming Uses of Land, Non-Conforming Structures and Non- Conforming Uses of Structures and Lots	VII - 11
Section 7.19 Off-Street Parking	VII - 14
Section 7.20 Off-Street Parking Space Layout, Construction and Maintenance Standards	VII - 19
Section 7.21 Off-Street Loading and Unloading	VII - 20
Section 7.22 Prohibited Uses	VII - 21
Section 7.23 Reserved for Additions	VII - 23
Section 7.24 Principal Building	VII - 24
Section 7.25 Public Access Requirements	VII - 24
Section 7.26 Public Nuisances	VII - 24
Section 7.27 Sign Regulations	VII - 24

Section 7.28	Storm Water Management	VII - 30
Section 7.29	Temporary Uses	VII - 33
Section 7.30	Zoning of Vacated Areas	VII - 34
Section 7.31	Flag Shaped Lots	VII - 34
Section 7.32	Alternative Energy Zoning Regulations	VII - 34
Section 7.33	Commercial Alternative Energy Zoning Regulations	VII - 37

		Page
ARTICLE VIII	USE, AREA AND HEIGHT EXCEPTIONS	VIII - 1
Section 8.01	Access through Yards	VIII - 1
Section 8.02	Agriculture Permitted In Any District	VIII - 1
Section 8.03	Basement Living Quarters Prohibited	VIII - 1
Section 8.04	Construction	VIII - 1
Section 8.05	Dwelling Quarters in Non-Residential Districts	VIII - 2
Section 8.06	Essential Public Utilities	VIII - 2
Section 8.07	Height Limitations Exempt from Regulation	VIII - 2
Section 8.08	Land Uses Exempt from Regulation	VIII - 2
Section 8.09	Lots of Record	VIII - 2
Section 8.10	Projections into Yards	VIII - 2
Section 8.11	Railroad Rights-of-Way	VIII - 3
Section 8.12	Side Yard Regulations	VIII - 3
Section 8.13	Voting Place	VIII - 3
ARTICLE IX	ADMINISTRATION AND ENFORCEMENT	IX - 1
Section 9.01	Enforcement	IX - 1
Section 9.02	Duties of the Zoning Inspector	IX - 1
Section 9.03	Zoning Certificates	IX - 2
Section 9.04	Application Procedure for a Zoning Certificate	IX - 3
Section 9.05	Filing Fees	IX - 5
ARTICLE X	TOWNSHIP ZONING COMMISSION	X - 1
Section 10.01	Authority, Composition and Appointment	X - 1
Section 10.02	Vacancies and Removals	X - 1

v
HISTORICAL ACCOUNT

THE RESOLUTION PASSED ON THE 6th DAY OF AUGUST 1955 BY THE BOARD
OF
HILLIAR TOWNSHIP TRUSTEES ESTABLISHING ZONING OF THE TOWNSHIP

A RESOLUTION, to provide for the division of the unincorporated territory of Hilliar Township, Knox County, into districts (zones) and in such districts to regulate the location, use, height, number of stories and size of buildings and other structures, the percentage of lot areas yards and other spaces, the density of population; to provide for the making of amendments or supplements to such regulations and the boundaries of the districts or zones; to provide for a Township Board of Zoning Appeals; to provide for enforcement of and to prescribe penalties for violations of the provisions hereof.

WHEREAS, for the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; or to facilitate adequate and economical provision of public improvements the Board of Township Trustees of Hilliar Township, Knox County, Ohio, deems it necessary to regulate the location, height, bulk, number of stories and size of buildings, and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back lines, size of yards, courts and other open spaces, the density of population,

the use of buildings and other structures including tents, cabins and trailer coaches, boat piers and watercraft; and the uses land including water areas, for trade, industry, residence, recreation or other purposes in the entire unincorporated area of Hilliar Township, Knox County, Ohio; and

WHEREAS, Section 519.01 to Section 519.99 of the Revised Code of the State of Ohio (Section 3180-26 et seq. Of the General Code of the State of Ohio) empowers said Board of Township Trustees to adopt such regulations in accordance with the provisions of Sections 519.01 to 519.99; and

WHEREAS, the Board of Township Trustees of said Hilliar Township was requested to pass a resolution declaring its intention to proceed under the provisions of Sections 519.02 to 519.25 inclusive of the Revised Code of the state of Ohio by a written petition presented to said Board on June 27, 1955 and signed by a number of qualified voters residing in the unincorporated area of said township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to adopt such regulations for the entire area of Hilliar Township, Knox County, Ohio in accordance with the provisions of Sections 519.01 to 5419.99 of the Revised Code; and

WHEREAS, on the 27th day of June, 1955, said Board of Township Trustees unanimously passed a Resolution creating and establishing the Hilliar Township Zoning Commission composed of five members, to wit: William Stopher, George Burke, Ralph Oliver, Claude Bostic and Herbert McCracken; all being residents of the unincorporated area of Hilliar Township; and

WHEREAS, said Zoning Commission held numerous regular and special meetings open to the public; made land use and other studies of the entire area of Hilliar Township as a basis for a zoning plan; inquired and ascertained that no county or regional planning or zoning commissions are in existence for Knox County, Ohio, or in Hilliar Township; has prepared a plan for zoning for the entire unincorporated area of Hilliar Township; a public hearing will be held on the 28th day of July, 1955 at the Township House in Hilliar Township on a zoning plan proposed to be adopted in the unincorporated area of Hilliar Township; after giving notice by publication on June 28th in the Centerburg Gazette, being a newspaper of general circulation in Hilliar Township, Knox County, Ohio; including both text and maps which may be examined at Hilliar Township House on the 1st day of August 1955, at 8:00PM representing the recommendations of said Hilliar Township Zoning Commission for the zoning of the entire unincorporated area of Hilliar Township; and

WHEREAS, said Board of Township Trustees held a Public Hearing on said zoning plan on the 1st day of August, 1955, at 8:00PM at Hilliar Township Hall, after giving notice by publication on June 28, 1955, in the Centerburg Gazette of Centerburg, Ohio, being a newspaper of general circulation in Hilliar Township, Knox County, Ohio; and

WHEREAS, said Board of Township Trustees has fully and carefully considered the zoning plan for the entire unincorporated area of Hilliar Township as recommended by the Hilliar Township Zoning Commission and approves said zoning plan, both the text and maps;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Hilliar Township, Knox County, State of Ohio, this 6th day of August, 1955, informal session convened:

That the following Zoning Resolution for the entire unincorporated area of Hilliar Township, Knox County, Ohio, be and the same is hereby adopted as the Zoning Resolution for the entire unincorporated area of Hilliar Township, Knox County, Ohio; and

BE IT FURTHER RESOLVED, that the Trustees of said Hilliar Township, Knox County, Ohio, submit said zoning plan to a vote of the people of the entire unincorporated area of

Hilliar Township, Knox County, Ohio, in accordance with Section 519.11 et seq. of the Revised Code (3180-35 General Code of the State of Ohio), and that the Board of Elections of Knox County, Ohio, be and hereby is, requested to place same on the ballot to be voted on at an election to be held on November 8, 1955, after notice of the same has been advertised in the Centerburg Gazette, Centerburg, Ohio, being a newspaper of general circulation in Hilliar Township, Knox County, Ohio.

ARTICLE I

AUTHORIZATION, PREAMBLE AND TITLE

Section 1.01 Authorization and Purpose

A Resolution enacted pursuant to Section 519.02, of the Revised Code of Ohio, dividing all or part of the unincorporated territory of Hilliar Township into districts or zones of such number, shape and area, as determined by the Board of Township Trustees, for the purpose of restricting the location and use of buildings, structures and land for residential, business, industrial, public and other specified uses; to regulate the density of population, percentages of lot areas which may be occupied, and setback building lines; to regulate the location, height, bulk, number of stories and size of buildings and other structures; to regulate and determine the area and dimensions of yards, courts and other open spaces; to provide for changes in the regulations and boundaries of such districts; and to provide for the administration and enforcement of this Resolution. Now therefore:

Section 1.02 Short Title

This Resolution shall be known and may be cited as the “Zoning Resolution of Hilliar Township, Knox County, Ohio,” except as referred to herein, where it shall be known as “this Resolution.”

I-1
ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.01 Construction of Language

The following rules of construction apply to the text of this Resolution:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; and used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or structure includes any part thereof.
6. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

7. The word “person” includes an individual, a corporation, a partnership, corporation, association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either....or,” the conjunction shall be interpreted as follows:
 - a. “And” indicates that all connected items, conditions, provisions, or events *shall* apply.
 - b. “Or” indicates that the connected items, conditions, provisions, or events *may* apply singly or in any combination.
 - c. “Either/or” indicates that the connected items, conditions, provisions or events *shall* apply singly *but not* in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 Definitions

1. **Accessory Building**: Is a structure located on a lot with the principal building, and which is secondary in importance to the main building. Accessory buildings shall include, but not be limited to, detached garages, storage buildings, tool and garden sheds and barns.
2. **Accessory Use**: Is a use that is customarily considered incidental to, and located on the same lot as the principal use to which it is related. Accessory uses include the following:
 - a. Residential accommodations for servants or caretakers.
 - b. Private swimming pools for use by occupants and their guests.
 - c. Domestic storage in a tool shed, barn or similar accessory building or other structure.
 - d. Gazebo or garden structures.
 - e. Storage or merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded from the applicable provisions of this Ordinance.
 - f. Off-street parking spaces, subject to the off-street parking regulations for the district in which the lot is located.
 - g. Off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
3. **Acre**: Means a parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area.
 - a. **Acre, Gross**: Means an acre of land including one-half of the street right-of-ways and one-quarter of the street right-of-way at intersections, bordering the site.
 - b. **Acre, Net**: Means an acre of land, after deducting street right-of-ways bordering the site.

4. Adult Arcade: Means any place in which the public is permitted or invited where either or both:
 - a. Motion picture machines, projectors, video or laser disc players, or
 - b. Other video or image producing devices are available, run by coin, token, or any other form of consideration, to show images to five (5) or fewer persons at one time; and where images shown and/or live entertainment presented are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
5. Adult Bookstore, Adult Novelty Store or Adult Video Store: Means a business establishment which, as one of its principal purposes, offers for sale or rent for any form or consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

A business establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as Adult Bookstore, Adult Novelty Store or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore, Adult Novelty Store or Adult Video Store so long as one of the principal business purposes is the offering for sale or rent for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas.”

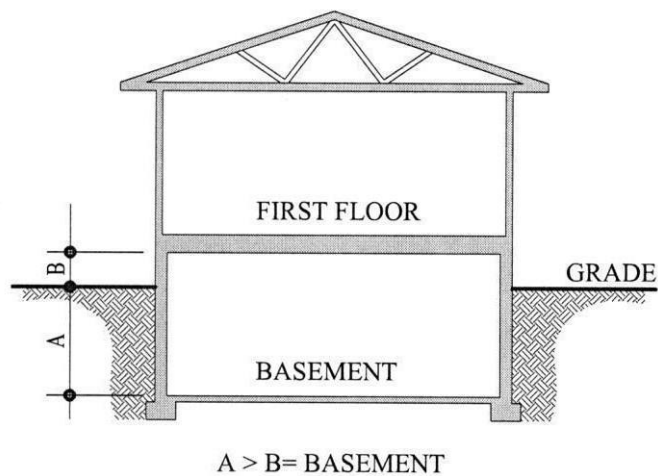
6. Adult Cabaret: Means a nightclub, bar, restaurant, or similar business establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

II-3

- c. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
7. Adult Motion Picture Theater: Means a business establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “special sexual activities” or specified anatomical areas.”
8. Adult Theater: Means a theater, concert hall, auditorium or similar business establishment which regularly features persons who appear in a state of nudity of live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”
9. Agriculture: Means any activity including farming; ranching; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
10. Airport: shall mean and include any publically or privately owned facility, intended for the express purpose of ingress and egress of private or commercially operated aircraft vehicles. “Airport” shall meet these rules, regulations and requirements as set forth by the State of Ohio with regard to safety clearances and plains of obstruction free clear areas for a publically operated facility, whether it is operated as a public or private use facility.
11. Alley: Means any dedicated public right-of- way affording a secondary means of access to abutting property and not intended for general traffic circulation.
12. Alteration: Means any material change in external architectural feature(s) of a property, including a change or rearrangement in the structural parts of building service equipment or an enlargement, whether by extending on a side or by increasing height. For the purposes of this Ordinance, “alteration” shall include a change in the design, color, texture, material or exterior architectural feature.

Ordinary maintenance to correct any deterioration or damage to a structure and to restore the structure to its condition prior to such deterioration or damage is excluded from the definition of “alteration”, provided such work does not involve a change in the design, color, texture, material or exterior architectural feature.

13. **Animated Structure**: Means any part of a sign that uses movement or change of lighting to depict action or create a special effect or scene.
14. **Applicant**: Means a person or landowner that has submitted an application for the review and approval of a development plan, zoning certificate, conditional certificate, variance or appeal under the applicable provisions of this Ordinance.
15. **Banner**: Means any sign of lightweight fabric or similar material that is permanently mounted to a pole, building or other structure. National, state or local government flags or the flags of any institution or business shall not be considered as banners.
16. **Basement**: Means the portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is greater than the vertical distance from the grade to the ceiling. A basement shall not be considered as a story.



17. **Beacon**: Means any light with one or more beams directed into the atmosphere or detected at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

18. Bed and Breakfast: Means a dwelling other than a hotel or motel, where short-term lodging, rooms and meals are provided. The operator of the inn shall live on the premises.
19. Billboard: Means a sign that directs attention to a business, commodity or service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

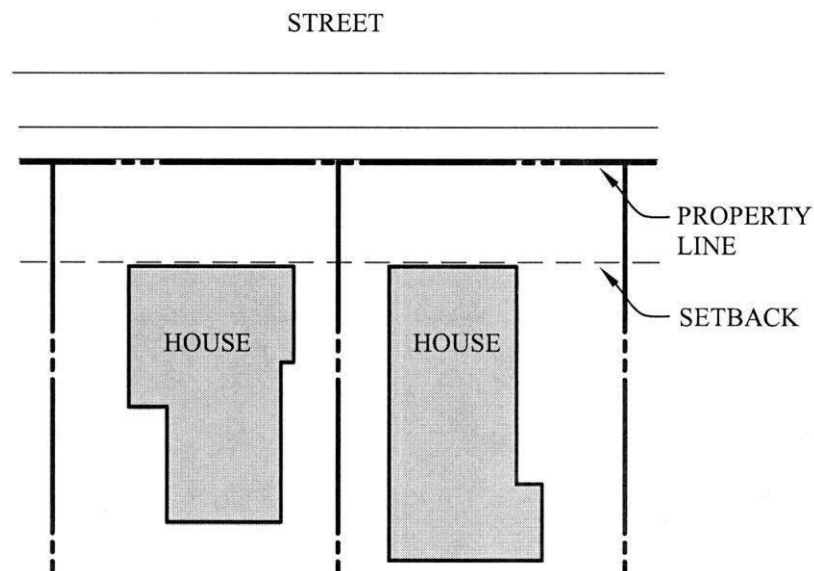
II-5

20. Board: The Board of Zoning Appeals of Hilliar Township.
21. Building: Means any structure, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, process, equipment or goods.

A “building” shall not include such structures as billboards, fences, radio communication towers, or structures with interior surfaces not normally accessible for human use, such as oil or gas tanks, grain elevators, overhead cranes or similar structures.

22. Building Alteration: Means any:
 - a. change, addition, or modification in construction or type of occupancy;
 - b. any change in the structural members of a building, such as walls, partitions, columns, beams or girders;
 - c. any relocation of a building from one location or position to another, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
23. Building Height: Means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
24. Building Marker: Means any sign indicating the name of a building, date or any other incidental information about its construction, which sign is cut into the masonry surface or made of bronze or other permanent material.

25. Building Setback Line: Means a line that defines the distance a building or other structure shall be set back from a property line. The building setback line is derived from the nearest point of the building if the building is not parallel to the property line.



26. Business Park: Means a unified development accommodating an efficient and compatible mix of office, industrial and selected types of business uses providing useable open space, and allowing developers to provide a more imaginative and flexible development more closely attuned to the market demand.
27. Cemetery: Means any one or a combination of more than one of the following:
- a. A burial ground for earth interments.

- b. A mausoleum for crypt entombment's.
 - c. A columbarium for the deposit of cremated remains.
28. Commercial Message: Means any wording, logo, or other representation attached to or made a part of a sign that directly, or indirectly names, advertises, or calls attention to a business, product, service, or other business activity.
29. Commission: The Zoning Commission of Hilliar Township.

II-7

30. Common Open Space: Means undeveloped land on a site defined as a development and designed and intended for the shared use or enjoyment of residents and owners of a development.

Common open space areas may include open fields, tree groves, wetlands, bodies of water, or a combination of land and water, within a development site designed and intended for the shared use and enjoyment of individuals using the development. Parking facilities serving activities in the open space area may be included in the required area computations. Common open space areas shall not include:

- a. The total lot area used for owner or renter occupied one-family, two-family or multiple family dwelling units.
 - b. A storm water detention basin required in connection with any residential, business or industrial development.
 - c. The total area of any lot or parcel used for business or industrial purposes, including parking facilities, whether or not the business or industrial building(s) are leased or sold.
 - d. Street rights-of-way, parkways, driveways, off-street parking lots or service area's.
 - e. The total area of any lot or parcel used for public or quasi-public buildings or structures, including parking facilities.
31. Conditional Use: Means a use having special or unusual circumstances attendant to its operation which is permitted through the issuance of a conditional zoning certificate

with conditions and safeguards as may be deemed necessary for the protection of the public health, safety or general welfare of the Township.

32. Construction: Means the arrangement of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing work will be carried out in a manner consistent with the provisions of the zoning certificate.
33. Covering: Means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

34. Cul-de-sac: Means a street having one (1) outlet open to vehicular traffic and the other end permanently terminated by a vehicular turn-around.
35. Day Care Center, Residential (Type B): Means a permanent residence of the provider in which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time.
36. Day Care, Family (Type A): Means a permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time, or a permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age.
37. Density: Means the total number of dwelling units per net acre of land developed or used for residential purposes. Unless otherwise stated in this Ordinance, density requirements are expressed in dwelling units per net acre.
38. Detention Basin: Means any pond or lake for the collection or storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow.
39. Development: Means the division of land into two (2) or more parcels; or the erection, construction, reconstruction, material structural alteration, relocation or enlargement of any building or structure; any excavation or cut and fill; or any use or change in use of any structure or land, or extension or increase in the use of land.
40. Development Areas: Means the portions of a site in a Traditional Residential Neighborhood Development designated for residential building and development and including building lots, street right-of-ways, structures, and easements of access for sewer and water and other utility lines or facilities.
41. Development Plan: Means a map, drawn to scale, showing the boundaries of a site and the location of all buildings, structures, uses, and principle site development features such as street right-of-ways, landscaped areas, and public utility easements for a specific parcel of land.
42. District: Means a portion of the non-incorporated area of Hilliar Township where certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

43. Driveway: Means the paved, hard surfaced part of a lot used by a motor vehicle to travel over the lot to or from a public or private street.
44. Dwelling: Means a building used or intended to be used, for living or sleeping by one (1) or more persons, and built on a site or built completely or partially off-site.
45. Dwelling Unit: Means a building or portion of a building providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- a. Dwelling Unit, One Family: Means a building designed exclusively for and occupied by one (1) family.
 - b. Dwelling Unit, Two Family: Means a building designed exclusively for occupancy by two (2) families living independently of each other. A duplex is defined as a two family dwelling unit.
 - c. Dwelling Unit, Multiple Family: Means a building or portion thereof, designed exclusively for occupancy by three- (3) or more families, living independently of each other.
46. Easement: Means a right to use the land of another for a specific purpose, such as for a right-of-way or utility easement.
47. Erected: Means built, constructed, reconstructed, altered, moved upon, or any physical operation's on the premise's which are required for construction. Excavation, fill, grading, drainage improvements will be considered a part of erection.
48. Establishment: Means and includes any of the following:
- a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The addition of any sexually oriented business to any other existing sexually oriented business; or,
 - d. The relocation of any sexually oriented business.

- 49. Family: Means one (1) or more persons or parents, living together as a single household unit in a dwelling unit.
- 50. Fence: An artificially constructed barrier of any material or combination of materials, erected for the purpose of enclosing or screening areas of land.
- 51. Flag: Means any fabric, banner, bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision or school.
- 52. Flood Plain: Means any land area bordering a river or stream inundated by water from any source as determined by the Federal Emergency Management Administration.
- 53. Floor Area, Gross: Means the area within the inside perimeter of the exterior walls of a building with no deduction for corridors, steps, open or enclosed porches, stairwells, closets, thickness of walls, columns or other features, exclusive of areas open to the sky.
- 54. Floor Area, Residential: Means, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas within the inside perimeter of the exterior walls of each story of the building or from the centerline of walls separating two buildings. The floor area measurements are exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, enclosed and open porches.
- 55. Floor Area, Useable: Means the sum of the horizontal areas within the inside perimeter of the exterior walls of the several floors of the buildings intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. The floor area used or principally used for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Useable Floor Area."
- 56. Garage: Means an accessory building or portion of a main building designed and used exclusively for the storage of automobiles, boats, vehicles owned and used by the occupants of the building or the incidental storage of personal property.
- 57. Grade: Means the ground level established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building, if the finished grade is level. If the ground is not level, the grade shall be determined by computing the average elevation of the ground between each face of the building and the lot line, and taking the average of said total averages.

58. Greenbelt (Perimeter Landscape Strip): Means a continuous area of land along the edge of a lot where one or more rows of dense evergreens are used to serve as an effective buffer to ensure privacy, block visible commotion or reduce noise between residential lots and business or industrial properties. Whenever a greenbelt is required by this Resolution, it shall be in place as soon as a building is occupied and shall thereafter be trimmed, maintained or replanted as needed to preserve its obscuring function.

59. Home Occupation: Means an accessory use for gainful employment, which is:
- a. Clearly incidental and subordinate to the use of the dwelling unit as a residence;
 - b. Carried on solely within the dwelling unit and does not alter or change the exterior character or appearance of the dwelling unit; and,
60. Industrialized Unit: Means a building or assembly of closed construction that is fabricated at an off-site location, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include manufactured or mobile homes as defined in this Ordinance.

For the purposes of this Ordinance an industrialized unit shall be considered as a "one-family dwelling unit" providing the industrialized unit:

- a. Is installed on a site constructed permanent foundation;
 - b. Is to be permanently affixed, and erected or installed, on a site constructed permanent foundation; and,
 - c. Complies with the Ohio Building Code as evidenced by an appropriate "industrialized insignia number" on each industrialized unit.
61. Junk: Means scrap metals of all types including: bones, rags, used bottles, cans or paper, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof; used construction materials, and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or re-manufacturing.
62. Junk Motor Vehicle, Abandoned: Means a motor vehicle meeting all of the following requirements:
- a. Left on the property for seventy-two (72) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property, open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
 - b. Three (3) years old, or older;

- c. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.

II-12

- d. Apparently inoperable; and,

- e. A vehicle having a fair market value of one thousand five hundred dollars (\$1,500) or less.

- 63. Junk Motor Vehicle: Means a motor vehicle meeting the requirements of divisions (b), (c), (d) and (e) of Section 2.02, subsection 67, that is left uncovered in the open on private property for more than seventy two (72) hours with the permission of the person having the right to the possession of the property, except in those instances where the person is operating a junk yard or scrap metal processing facility licensed under authority of Sections 4737.05 to 4737.12 of the Ohio Revised Code or where the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or that the motor vehicle is a collector's vehicle.
- 64. Land Use Plan: Means the graphic and written document defining the general goals and policies for guiding the future orderly growth and development of Hilliar Township.
- 65. Livestock: Means equine animals regardless of the purpose for which they are raised; or any of the following animals that are raised for human food products or fiber: porcine animals; bovine animals; caprine animals; ovine animals; poultry; alpacas; and llamas.
- 66. Loading Space: Means an off-street space on the same lot with a building, or group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Required off-street loading space is to be computed independent of required off-street parking spaces. All off-street loading spaces shall be located exclusively outside of any street right-of-way.
- 67. Lot: Means a parcel of land occupied or intended to be occupied, by a building or a group of buildings and accessory buildings, or used for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Resolution.
- 68. Lot Area: Means the total horizontal area within the lot lines of a lot.
- 69. Lot, Corner: Means a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

70. Lot Depth: Means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
71. Lot, Double Frontage: Means a lot other than a corner lot, which abuts onto two (2) or more streets.

II-13

72. Lot Line: Means the line defining the limits of a lot. Lot line is commonly referred to as property line throughout this Resolution. Lot line or property line is described below:
- a. Front Lot Line: Means that line separating an interior lot from the street right-of-way line. In the case of a corner lot or double frontage lot, is that line separating said lot from either street.
 - b. Rear Lot Line: Means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and wholly within the lot.
 - c. Side Lot Line: Means any lot line other than the front lot line or rear lot line.
73. Lot Width: Means the horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines.
74. Manufactured Home: Means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary, Housing and Urban Development Department, pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and bearing a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. “Manufactured Home” shall not have the same meaning as an Industrialized unit as defined in this Resolution.
75. Manufactured Home, Permanently Sited: Means a manufactured home that meets all of the following criteria:
- a. The structure is affixed to a permanent foundation and is connected to appropriate sanitary facilities.
 - b. The structure, excluding any addition, has a width of at least twenty-two feet (22’) at one point, and a length of at least twenty-two feet (22’), at one point, a total living area of at least nine hundred (900) square feet or whatever is required of one-family dwellings in the applicable zoning district, excluding garages, porches or attachments.

- c. The structure has a roof pitch of 3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.
 - d. The owner forfeits the title, merging it with the deed.
76. Marquee: Means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

II-14

77. Mineral: Means sand, gravel, clay, shale, gypsum, halite, coal, limestone, dolomite, sandstone, other stone, metal ferrous, or non-metal ferrous ore, other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat or top soil.
78. Mobile Home: Means a building unit or assembly of closed construction fabricated at an off-site location, that is more than thirty five (35) body feet in length or, when erected on-site, includes three hundred twenty (320) or more square feet of floor area, built on a permanent chassis and transportable in one or more sections. A mobile home shall not have the same meaning as an industrialized unit or manufactured home as defined in this Resolution.
79. Mobile Home Park: Means a piece of ground upon which two (2) or more mobile homes are located.
80. Modular Unit: Means a building including the necessary electrical, plumbing, heating, ventilating and other service systems manufactured off-site and transported to the point of use for installation or erection with or without other specified components as a finished building or part of a building and bearing the state insignia number. A modular unit shall not be designed for ready removal to another site.
81. Non-conforming Building: Means a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and does not conform to the area and height regulations of the district in which it is located.
82. Non-conforming Use: Means a use that lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
83. Nudity Model Studio: Means any place where a person who appears semi-nude or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

A nude model studio shall not include:

- a. A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
- b. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

II-15

- c. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) semi-nude model is on the premises at any one time.
84. Nudity or a State of Nudity or Nude: Means exposing to view genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or stimulates any of these anatomical areas.
85. Off-Street Parking Lot: Means any public or private open area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, and providing access for entrance and exit for the parking of more than three (3) vehicles.
86. Oil: Means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.
87. Open Space: Means the land area within the boundaries of a development that is intended to provide light, air, views and/or quality or a general appearance of openness, and is designed for scenic, recreation, privacy, or environmental purposes.

Open space may include, but shall not be limited to, walkways and trails, active and passive recreation areas; undisturbed natural areas; wooded areas; natural creeks and streams

- 88. Overlay Zoning District: Means a zoning district superimposed over one (1) or more zoning districts to protect critical features and resources of the Village. Where the standards of the overlay district are different from those of the zoning district, the standards of both districts will apply.
- 89. Parking Lot: Means any public or private open area used for the purpose of storing vehicles on a temporary basis.
- 90. Parking Space: Means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the temporary storage or parking of motor vehicles.

91. Parallel Service Access Road: Means a public right-of-way parallel to a major street and which provides access to abutting property.
92. Person: Means an individual, proprietorship, partnership, corporation, or other legal entity.
93. Planned Unit Development: Means a contiguous land area of a minimum size, as specified in the district regulations, to be planned and developed in a unified manner or as a programmed series of development phases. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements, constructed according to the design standards and improvement specifications of the Knox County Engineer's office. The planned unit development includes provisions for the operation and maintenance of such areas, facilities and improvements that will be provided for the common use by some or all of the occupants of the land development, but which will not be provided, operated or maintained at general public expense.
94. Principal Building: Means the specific and primary purpose for which a building is occupied, arranged, designed or intended, or for which a building is or may be occupied. A house would be the principal structure whereas; a shed would be classified as the subordinate or accessory structure on the same lot.
95. Principal Use: Means the declared permitted use of any lot or parcel for the district in which such lot is located. The manufacture and assembly of a product inside an industrial building would be the principal use whereas; the outdoor area for the storage of the finished product would be classified as the subordinate or accessory use on the same lot.
96. Restaurant: Means an establishment serving food, drink, or refreshments, and providing disposable dishware and utensils to patrons eating on the premises, and not having a drive-up window.
97. Residential Care Unit:
- a. Independent Residential Care Unit: Means a building or portion of a building, designed exclusively for three (3) or more individuals or couples, where one (1) individual is sixty (60) years of age or older, and each individual or couple lives independently of each other.
 - b. Dependent Residential Care Unit: Means a building or portion of a building designed exclusively for transitional residency for individuals or for disabled persons, requiring congregate apartment living where common meals, full

health and continuing care nursing home services are provided. A dependent care facility is synonymous with “nursing home”.

98. Retail: Means a business establishment selling goods or services to customers over the counter for personal or household consumption. A reasonable amount of storage on premises for goods to be sold is permitted.
99. Road: Means a public dedicated right-of-way, used, or intended to be used for passage or travel by motor vehicles.
100. Semi-Nudity or Semi-Nude Condition or Semi-Nude: Means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
101. Sexual Encounter Center: Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
102. Sexually Oriented Business: Means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.
103. Shopping Center: Means a group of three (3) or more architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit and served by common parking areas off the street and outside the public right-of-way.
104. Sign: Means any fabricated sign or outdoor display structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and

displayed in any manner out of doors for recognized advertising purposes, as set forth in Section 8.27, “Sign Regulations,” of this Resolution.

- a. Sign, Accessory: Means any sign that advertises brand names of articles sold, credit cards accepted or services provided on the premises.
- b. Sign, Business/Industrial: Means any sign wording, logo, commercial message, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other business activity.
- c. Sign, Changeable Copy: Means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered as an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a “time and temperature” portion of the sign and not a changeable copy sign for the purposes of this Ordinance.
- d. Sign, Directional: Means any sign with words or symbols used to assist motorists or pedestrians find a specific location or making use of the words “visitors,” “parking,” “receiving,” “information,” or arrows. A directional sign shall not include any commercial advertising.
- e. Sign, Garage Sale: Means any sign located in a district zoned for residential use that contains no business message except advertising for goods and services legally offered for sale on the premises where the sign is located, providing such service at such location conforms with all requirements of this Ordinance.
- f. Sign, Ground: Means a sign supported by uprights or braces in or upon the ground surface.
- g. Sign, Marquee: Means any sign attached to, in any manner, or made a part of a marquee.
- h. Sign, Pole: Means a sign where at least fifty percent (50%) of the support structure is uncovered or open to the transmission of wind.
- i. Sign, Portable: Means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but

not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.

- j. Sign, Projecting: Means a display sign which is attached to the building structure or wall, and which extends more than twelve inches (12") from the face of the wall.

- k. Sign, Real Estate: Means a temporary sign advertising or implying the sale, rental or lease of a building, structure or parcel of land.
 - l. Sign, Roof: Means a sign, which is erected, constructed and maintained above the roof of the building.
 - m. Sign, Temporary: Means any sign that is used only temporarily and is not permanently mounted.
 - n. Sign, Wall: Means any sign which is painted on or attached directly to a fence or wall or on the surface of masonry, concrete, frame or other approved building walls, and which extends no more than twelve inches (12”) from the face of such fence, wall or building wall.
 - o. Sign, Window: Means a sign visible from the exterior of a building or structure which is painted, stenciled or permanently affixed to a window which is visible from the street right-of-way.
105. Specified Anatomical Areas: Means any of the following:
- a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or,
 - b. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
106. Specified Sexual Activities: Means any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
 - c. Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
107. Storm Drainage: Means the surface and sub-surface system for the removal of water from the land, including streams, gullies, ravines, marshes, swales, ponds and other natural and man-made development features such as conduits, culverts, ditches, channels, storage facilities, streets, and the storm sewer system.

108. Storm Water Management Facilities: Means the drainage system and control facilities necessary to meet the runoff criteria required by these regulations.
109. Story: Means that part of a building between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.
110. Structure: Means anything constructed or erected. The use of which requires a location on the ground or attachment to something having a location on the ground. The word “structure” does not include fences, walls, drives, or sidewalks.
111. Structural Alteration: Means any change in the supporting members of a structure including the foundation, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior wall’s.
112. Subdivision: Means:
- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, 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 which does not create additional building sites shall be exempted; or,
 - b. The improvement of one (1) or more parcels of land for residential, business or industrial structures or group of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; or,
 - 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.
113. Subdivision, Minor: Means the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access.

II-21

114. Subdivision, Major: Means the division of land into four (4) or more parcels any one of which is five (5) acres or less in size, involving any existing street or new street or easement of access; or the division or partition of land into parcels of more than five (5) acres involving new streets or easements of access, or 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.
115. Substantial Enlargement of a Sexually Oriented Business: Means the increase in floor areas occupied by a sexually oriented business by more than twenty five percent (25%), as the floor areas exist on the date this Ordinance takes effect.
116. Substantial Hardship: Means a condition unique to the property under consideration and a condition under which an action by the Commission would force the applicant to suffer practical difficulty and denial of the reasonable use of the property.
117. Substantial Enlargement of a Sexually Oriented Business: Means the increase in floor area occupied by the business by more than twenty five percent (25%), as the floor areas exist on the date this Resolution takes effect.
118. Swimming Pool: Means a man-made structure constructed of material other than natural earth or soil designed or used to hold water for the purpose of providing a swimming or bathing place; or any such structure for the purposes of impounding water therein to a depth of four (4) feet.
119. Telecommunication Tower: Means any free standing structure, or any structure to be attached to a building or other structure that meets the following criteria:
- a. The free standing or attached structure is to be constructed on or after October 31, 1996.
 - b. The freestanding or attached structure is to be owned or principally used by a public utility engaged in the provision of telecommunications services.
 - c. The freestanding or attached structure is proposed to be located in an area zoned for residential use.

II-22

- d. The freestanding structure shall not exceed a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations are subsequently amended; or the attached structure is proposed not to exceed a height that is greater than either the height of the building or other structure to which it is attached, or the maximum allowable height of such an attached structure as set forth in the applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations are subsequently amended.
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- 120. Township: Means the non-incorporated area of Hilliar Township.
 - 121. Trailer (Mobile Home): Means a non-self propelled vehicle originally designed or adapted to be pulled by a motor vehicle to provide its motor power, and designed, intended or used to carry or store goods including a vehicle originally designed or intended to be used on rails such as a box car or other railroad car.
 - 122. Trustees: Means the Board of Township Trustees of Hilliar Township.
 - 123. Use: Means the principal purpose for which land, or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
 - 124. Utility: Shall mean and include all privately, publicly or cooperatively owned, lines, facilities and systems for producing, transmitting and distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term “utility” shall also mean utility company, inclusive of any wholly owned or controlled subsidiary.
 - 125. Well: Means any excavation, regardless of design or method of construction, used for the purpose of removing ground water from an aquifer, or for the purpose of determining the quality, quantity or level of ground water on a continuing basis.

126. Well Field: Means a tract of land that contains a number of wells for supplying drinking water.
127. Wind Turbine: A device that converts kinetic wind energy into mechanical energy that drives an electrical generator. This typically consists of a tower, nacelle body, power center, and a rotor with two or more blades.

II-23

128. Wind Turbine Nacelle: The enclosure on a wind turbine that houses the gearbox, generator, and other related equipment.
129. Wind Turbine Tower: The monopole, guyed monopole, or lattice structure that supports a wind turbine.
130. Wind Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the foundation.
131. Yard: Means the open space on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation, and further defined as follows:
- a. Yard, Front: Means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the property line and the nearest point of the principal building.
 - b. Yard, Rear: Means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street.
 - c. Yard, Side: Means an open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
132. Zoning Certificate: Means a document on which application is made and then approval is granted or denied by the Zoning Inspector, for a permitted use among those sanctioned by this Ordinance, for a particular piece of property.
133. Zoning Certificate, Conditional: Means a document on which application is made and then approval is granted or denied by the Board of Zoning Appeals for a

conditional use amongst those sanctioned by this Resolution for a particular piece of property.

134. Zoning District: Means a specifically defined land area included within one of the zoning districts set forth in Article III, Section 3.03, "Establishment of Zoning Districts", which cumulatively include all land within Hilliar Township. Within these zoning districts specific designated permitted uses, densities, area and dimensional requirements are allocated for land areas within the corporate limits of the Hilliar Township.

II-24

135. Zoning Inspector: Means the official charged with the interpretation, administration and enforcement of this Resolution. The Zoning Inspector shall be so designated in writing by such person as may be specified by the Board of Township Trustees.
136. Zoning Variance: Means a departure from the strict terms or expressed provisions of this Resolution where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

The crucial points of a variance are (1) undue hardship and (2) unique circumstances applying to the property. A variance is not justified unless both factors are present in the case.

II-25
ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 3.01 Establishment of Zoning Districts

For the purposes of this Resolution, Hilliar Township is hereby divided into the following districts for the purpose of guiding development consistent with the adopted Hilliar Township Land Use Plan:

1. RC Rural Conservation District
2. GB General Business District
3. R-1 Residential District
4. R-2 Residential District
5. MH Manufactured Home Park District

Section 3.02 Establishment of Zoning District Regulations

Regulations pertaining to the use of land and/or structures and development within each of the Zoning Districts and as shown on the Official Zoning Districts Map, are hereby established and adopted.

Section 3.03 Official Zoning Districts Map

The unincorporated territory of Hilliar Township is hereby divided into Zoning Districts as shown on the Official Zoning Districts Map, Hilliar Township, Knox County, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein. The Official Zoning Districts Map shall be identified by the signatures of the Board of Township Trustees, attested by the Township Clerk, under the following words:

“This is to certify that this is the Official Zoning Districts Map referred to in Section 3.02 of the Zoning Resolution of Hilliar Township, Knox County, Ohio.” (09/22/2003)

III-1

Wherever changes are made in Zoning District boundary lines or other matter portrayed on the Official Zoning Districts Map, such changes shall be made on the Official Zoning Districts Map after the amendment has been approved by the Township Trustees;

Four (4) copies of the Official Zoning Districts Map are to be maintained and kept-up-to-date: One (1) copy in the Township Trustees office, one (1) copy in the office of the Knox County

Regional Planning Commission, (1) copy in the office of the Knox County Recorder and one (1) copy in the office of the Township Zoning Inspector. The Official Zoning Districts Map shall be accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in Hilliar Township.

Section 3.04 Interpretation of Zoning District Boundary Lines:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Districts Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- c. Boundaries indicated as approximately following the Township lines of Hilliar Township shall be construed as following the Township lines.
- d. Boundaries indicated as following the centerline of a right-of-way shall be construed to follow such centerlines.
- e. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of either deeds or survey maps on file in the county recorder's office.

III-2

ARTICLE

ZONING DISTRICT

IV

REGULATIONS

Section 4.01 Development Standards

The use, area and height regulations and supplementary standards set forth in each Zoning District shall be the minimum allowed for development in a Zoning District.

Section 4.02 Zoning District Requirements

All buildings and uses in any zoning district shall be subject to the provisions of Article VII, "General Provisions," and Article VIII, "Use, Area and Height Exceptions."

Section 4.03 Permitted Uses

Only a use designated as a permitted use shall be allowed as a matter of right within a Zoning District and any such use not designated shall be prohibited.

Section 4.04 Conditionally Permitted Uses

A use designated as a conditionally permitted use shall be allowed in a Zoning District, providing such conditionally permitted use, its location, extent and method of development, will not substantially alter the character of surrounding land uses or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District.

The Board of Zoning Appeals shall grant Conditional Zoning Certificates when it finds, based on the evidence presented to it, that each condition contained in this Resolution for the proposed use as well as the provisions of Article VI of this Resolution have been met.

Section 4.05 RC Rural Conservation District

1. Purpose

The RC Rural Conservation District is established to promote the continuation of farming in areas where it already exists, and to preserve open space and natural lands by providing large home sites in a rural setting at a gross density of one (1) dwelling unit per two (2) acres.

2. Permitted uses

- a. Agriculture permitted with the following restrictions: In any platted subdivision approved, or in any area consisting of fifteen or more lots 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. The following uses are prohibited: (1) Agricultural lots of one acre or less; (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five (5) acres and by: setback building lines, height and size. (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building structure or improvement, and after thirty-five percent of the lots are so developed. Dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures.
- b. One family detached dwelling units, with home occupation if desired.
- c. Fish and game hatcheries
- d. Minor subdivisions involving two (2) or more one family dwelling units, subject to the requirements in Section 6-b, “Supplementary Regulations”.

3. Conditionally Permitted Uses

- a. Bed and Breakfast, as regulated in Article VI, Section 6.04-(4).
- b. Churches and other places for Religious Worship, as regulated in Article VI, Section 6.04- (5).
- c. Private Cemeteries, as regulated in Article VI, Section 6.04-(11).
- d. Private or governmentally owned and/or operated rifle ranges, gun clubs, archery courts, private parks, swimming facilities, golf courses, riding academies and other similar outdoor recreational facilities and/or uses, as regulated in Article VI, Section 6.04-(12).
- e. Quarrying and mining of minerals or materials, as regulated in Article VI, Section 6.04-(13).

4. Accessory Uses

- a. Accessory Uses, Buildings or Structures customarily incidental to any permitted or conditionally permitted uses, as regulated in Article VII “General Provisions” Section 7.02-1
- b. Family Swimming Pools as regulated in Article VII, “General Provisions”, Section 7.02-2.
- c. Home Occupations as regulated in Article VII, “General Provisions”, Section 7.02-3.
- d. Off Street Parking as regulated in Article VII, “General Provision”, Section 7.19.

5. Density, Lot Area and Dimensional Requirements

- a. Maximum Gross Density: One (1) dwelling unit per two (2) acres.
- b. Minimum Lot Area:
 - (1) With Individual Water Well and Septic Tank System: Two (2) acres
 - (2) With Centralized Water Facilities: One (1) acre
- c. Minimum Lot Width: One Hundred and Fifty feet (150’)
- d. Maximum Lot Depth to Width Ratio: The lot depth shall not be greater than four (4) times the lot width.
- e. Minimum Building Setback Requirements:

Front:	Ninety feet (90’)
Side (each):	Fifteen feet (15’)
Rear:	Forty feet (40’)
- f. Minimum Setback of Building Envelope from Flood Hazard Areas: One Hundred Feet (100’).
- g. Maximum Building Height: Thirty-five feet (35’).
- h. Minimum Floor Area/Dwelling Unit: One Thousand Two Hundred (1,200’) square feet.

6. Supplementary Regulations

- a. Driveway Access Management Regulations

The applicant of a proposed minor subdivision required to comply with the platting review requirements of the Knox County Subdivision Regulations shall be required to submit an access management plan reviewed and approved by the Knox County Engineer. The access management plan will show the following:

- (1) Access points or common access-points for each lot as determined by the County Engineer.
- (2) In situations where traffic safety access constraints present a problem, the Knox County Engineer may require the use of common access driveways. Common access driveways shall be subject to the following design requirements:

- (a) The design of a common access driveway must be certified and inspected by a professional engineer, registered in the State of Ohio, prior to each deed transferring ownership.
- (b) Once a common access driveway has been constructed and recorded, no further access points may occur within the minor subdivision that would create additional building sites unless the driveway is improved to County road standards and is accepted by the County Engineer.
- (c) All common access driveways shall be limited for access to lots within the subdivision and shall not be used to access lands outside the boundaries of the minor subdivision.
- (d) The approval of a common access driveway does not provide for or imply responsibility for construction, repair, maintenance, snow removal, dust control, or mowing of any private common access driveway by Hilliar Township. Approval does not imply that school bus service or mail service will be provided and such agreement shall be noted in a driveway maintenance agreement.
- (e) Minimum Width of a Common Access Driveway: Twenty Feet (20')
- (f) Driveway Gradient:

Minimum: Ten percent (10%)
Maximum: Twelve percent (12%)

- (g) Improvement Specifications for Common access driveways:

Base Material: Eight inches (8") of compacted 304 aggregate base, eight inches (8") thick. Five inches (5") of 301 aggregate base material may be substituted for eight inches (8") of 304 aggregate base material.

Hard Surface

Material: A hard surface pavement with two and one-half inches (2.5") of 448 Type 2 asphaltic concrete, and one and onequarter to one and one-half of 448 Type 1 asphaltic concrete.

- (h) The common access driveway shall be titled to one (1) of the lots in the minor subdivision. Access to the other lots shall be by easement of access.

- (i) Any common access driveway over two hundred feet (200') in length, shall provide a turnout ten feet (10') by thirty feet (30') at reasonable intervals and located a distance of not more than two hundred and fifty feet (250') from each other for the free passage of emergency vehicles.
- (j) A turnaround approved by the County Engineer shall be provided at the end of the common access driveway to accommodate fire and emergency vehicles.
- (k) Where a driveway crosses a drainage ditch or stream, a pipe or such structure shall be required as required to permit the unobstructed passage of all surface water generated by a storm with an intensity of a five (5) year occurrence. Any pipe or structure spanning a drainage ditch or stream shall be designed according to the construction and improvement specifications of the County Engineer's office.

b. Major Subdivision

An applicant proposing a one family residential development defined as a major subdivision in the Knox County Subdivision Regulations shall be subject to the following design requirements:

- (1) A physical inventory of the site shall be completed showing the topography, rivers and streams, flood plain boundary, wetlands, and a suitability analysis of the soils for development.
- (2) The applicant shall demonstrate that the parcel or tract is not suitable for a planned unit cluster development due to its location, size, shape, and natural features.
- (3) The applicant shall demonstrate that the proposed development meets the access management requirements of subsection 6a-2 above.
- (4) The applicant shall demonstrate that the major subdivision will not result in the excessive grading of the site thereby having an adverse effect on the existing topography, drainage, flood plain, wetlands, mature woodlands or other natural site features.
- (5) Where the proposed development includes the permanent grading of vegetation and the removal of top soil or other surface materials the applicant shall present a reclamation plan showing the type of substitute material to be provided capable of self-regeneration and plant succession to support vegetation. Reclamation shall be progressive with removal to prevent erosion.

The property owner shall furnish a performance bond in an amount not to exceed two thousand dollars (\$2,000.00) per acre to the Board of Township Trustees, as a guarantee that such work shall be completed in a satisfactory manner.

Section 4.06 GB General Business District

1. Purpose

The GB General Business District is established to provide for mixed-use development in areas where the land use pattern includes scattered residential, business and industrial uses. Broad but enforceable guidelines appear preferable in guiding the future growth and development in the B Business District.

The review process will provide property owners, investors and developers with maximum freedom of choice in the submission of development proposals. This review process shall also provide residents with assurance that rezoning for mixed use projects would be limited to areas designated as appropriate for corridor development in the Zoning Ordinance.

2. Permitted Uses

- a. Single family residence shall be allowed on General Business zoned properties.
- b. A home business occupation will be allowed.
- c. Major Retail Outlets: furniture, department, clothing, show and variety stores, hardware, appliance, paint stores, and building materials establishments.
- d. Grocery stores, Drug stores, Restaurant, and Taverns.
- e. Sporting stores, magazine and book stores, florists, camera and photography stores.
- f. Laundromats, dry cleaning services, barber and beauty shops, shoe repair and tail or shops, printing shops, and mortuaries.
- g. Law offices, medical practices, dental practices, insurance and real estate offices, banks and finance companies.
- h. Building trades or equipment, concrete, masonry, electrical, sheet metal, plumbing and heating services, millwork and fabrication.

- i Automotive service shops, gasoline filling stations, new and used car sales, motorcycle and bicycle shops.

IV-6

- j. Agriculture, permitted with the following restrictions: In any platted subdivision approved, or in any area consisting of fifteen or more lots 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, the following uses are prohibited: (1) Agriculture on lots of one acre or less; (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height and size (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building , structure, or improvement, and after thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures.
- k. Airports shall be allowed in General Business. Any “Airport” once operational in Hilliar Township meeting State of Ohio Obstruction Safety clearance definition regulations, and thereby establishing existing surfaces of useable runway lengths; and those useable runway lengths recorded with the State of Ohio, Office of Aviation and the Federal Aviation Administration, shall not be further obstructed so as to reduce the length(s) of useable “airport” runway surface area(s). Any development adjacent to the “airport” runway ingress and egress, departure and arrival corridors and side to side obstruction clearance areas as established by the State of Ohio, Office of Aviation and the Federal Aviation Administration shall not be further obstructed so as to reduce useable runway lengths by any development including that of a “utility”.

3. Conditionally Permitted Uses

- a. Asphalt plants, providing appropriate measures to control the type of process and to prevent noxious results and/or nuisances as regulated in Article VI, Section 6.04-1.
- b. Commercial kennels as regulated in Article VI, Section 6.04-6.
- c. Offices as regulated in Article VI, Section 6.04-9.

4. Accessory Uses

- a. Accessory Use's, Buildings or Structures customarily incidental to any permitted or conditionally permitted uses, as regulated in Article VII "General Provisions" Section 7.02-1
- b. Off Street Parking, as regulated in Article VII, "General Provisions", Section 7.19 and Section 7.20, of this Resolution.
- c. Off Street Loading and Unloading, as regulated in Article VII, "General Provisions", Section 7.21, of this Resolution.

5. Lot Area and Dimensional Requirements

- a. Maximum Lot Depth to Width Ratio: The lot depth shall not be greater than four (4) times the lot width.
- b. Minimum Building Setback Requirements:
 - (1) Front: Ninety feet (90')
 - (2) Side (each): Fifteen feet (15')
 - (3) Rear: Forty feet (40')
- c. Maximum Building Height: Fifty feet (50').

Section 4.07 R-1 Residential District

1. Purpose: To provide a more residential living experience for homeowners of Hilliar Township, Knox County, Ohio.

2. Permitted Uses & Restrictions

- a. Lot size shall be three acres or less. The minimum lot size shall be at least one (1) acre. All R-1 lots must comply with all applicable Knox County codes and regulations for area that the residence is constructed in.
- b. Single family residences only.
- c. One home occupation shall be allowed per residence in R-1. No outward appearance of a home occupation shall be allowed except one lighted sign. Signs must be attached to the residence and may not be larger than four (4) feet wide and two feet high. The highest part of the sign may be no higher than eight feet above grade.
- d. No building shall be constructed that is greater than thirty-five (35) feet in height.

- e. Minimum living area of twelve hundred (1200) square feet, measured on the outside of the residence shall be required. Wall thickness shall be included in the computation of square footage.
- f. One garage shall be allowed. The maximum dimensions for the garage shall be thirtysix (36) feet by twenty-eight (28) feet. The maximum overhang from the roof shall be no more than two (2) feet from the wall under it. The maximum height of the garage shall be twenty (20) feet above grade. No living space shall be allowed in any garage in R-1 zoning.
- g. Whether or not a garage is constructed, one outbuilding may be constructed. On lots one (1) acre or less the maximum square footage shall be five hundred (500) square feet, on lots with more than one (1) acre Section 7.02 Accessory Buildings & Uses shall apply.

IV-8

- h. One television antenna shall be allowed. The antenna may be attached to the residence, or mounted on a tower. The maximum height shall not exceed fifty feet above the ground. If the antenna is mounted on a tower, the tower may only be in the rear or side yard. No other towers shall be allowed. All towers must observe all setback requirements in the R-1 district.
- i. Small satellite dishes, less than three (3) feet in diameter, shall be allowed anywhere in the yard or affixed to the residence or the garage. It must observe all R-1 district setback requirements.
- j. The storage of motor homes, travel trailers, boats, campers and trailers shall be allowed on R-1 zoned property, but must be in a garage or behind the residence or garage.
- k. One temporary structure may be constructed on any R-1 property. It must be removed within three days of the time it was erected.
- l. No outside burning of trash or yard waste shall be allowed. A fire is allowed, but must be in a fire ring that is no more than forty-eight inches in diameter.
- m. Agriculture is allowed as follows: In any platted subdivision approved, or in any area consisting of fifteen or more lots that are contiguous to one another, or some 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 same dedicated public road, the following uses are prohibited: (A) Agriculture on lots of one (1) acre or less. (B) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines and by size. (C) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement, and

after thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures.

- n. The minimum road frontage shall be one hundred twenty-five (25) feet. The minimum width of a lot in the R-1 district shall be one hundred twenty-five (125) feet at any point. There is no limit on the lot depth, with the exception that the maximum lot size shall not exceed three acres.
- o. Minimum Building Setbacks Requirements:
 - Front: Ninety feet (90')
 - Side (each): Ten feet (10')
 - Rear: Fifteen feet (15')
- p. No structure shall be constructed or placed on the property, which is closer to the center of the road than the residence.

Section 4.08 MH Manufactured Home Park District

1. Purpose

The MH Manufactured Home Park District is established in recognition of manufactured homes which are of such a nature as to warrant individual consideration and regulations due to the unique demands they place on the public health, safety and morals, and the requirements of location and development that generally are peculiar to these uses.

It is the intent of this Section to allow manufactured homes to be suitably located and developed in unified areas having all necessary services and facilities comprehensively provided according to a predetermined development plan.

2. Permitted uses

The following uses are permitted in the Manufactured Home Park District, *subject to the review and approval of a development plan by the Zoning Commission and the Board of Township Trustees* as required in Article VII, Section 7.08, of this Resolution:

- a. Manufactured Homes

3. Accessory Uses

Accessory uses, buildings or structures customarily incidental to any permitted uses, including, but not limited to, the following uses:

- a. Accessory Uses, Buildings or Structures customarily incidental to any permitted or conditionally permitted uses, as regulated in Article VII “General Provisions” Section 7.02-1.
- b. Off-Street Parking as regulated in Article VII, Section 7.19 and 7.20.

4. Supplementary Regulations

- a. A Manufactured Home Park development shall comply with the requirements of the Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council according to the requirements of Chapter 3733 of the Ohio Revised Code, and subject further to the review and approval of a development plan by the Township Zoning Commission and the Board of Township Trustees.
- b. The following additional requirements shall apply to all Manufactured Home Park developments:

- (1) The Manufactured Home Park development shall include at least ten (10) acre of land and at least ten (10) manufactured home units.
- (2) The Manufactured Home Park development shall provide a year around, obscuring greenbelt twenty feet (20') wide and at least six feet (6') in height on the side and rear lot lines.
- (3) All points of ingress and egress shall be located at least four hundred feet (400') from any intersection, measured from the road right-of-way lines.
- (4) All structures and activity areas shall be located sixty feet (60') from the front property line.
- (5) Access from a manufactured home park to the nearest existing State, County or Township road shall be by means of a public right-of-way of not less than sixty feet (60') in width.
- (6) Accessory buildings shall be located at least ten feet (10') away from the side lot line and twenty feet (20') from the rear lot line.
- (7) All utility lines shall be constructed underground.
- (8) The road layout shall form an interconnected system of roads primarily in a curvilinear pattern, however, modified, to avoid a monotonous repetition of the basic road and block pattern. The use of cul-de-sacs and other roadways with a single point of access shall be discouraged. To the greatest extent possible, roads shall either continue through an intersection, or terminate in a "T" intersection directly opposite an open space area or commons.
- (9) A register shall be kept containing a record of the name and address of each occupant of a manufactured home in the park. The owner of the manufactured home park shall keep the register available for inspection by law enforcement officers, public health officials and other government representatives whose duties necessitate the acquisition of information contained on the register.
- (10) The Manufactured Home Park shall further comply with all other County and State Health Department regulations, and any other resolution of Hilliar Township.

Section 4.09 R-2 Residential District

1. Purpose

To anticipate changes in the housing market by allowing for a mix of one-family, two family and multiple family dwellings at locations served by major roads and centralized sewer and/or water systems, at a gross density not to exceed 8.5 dwelling units per acre.

2. Permitted Uses

- a. One Family Dwellings
- b. Two Family Dwellings
- c. Multiple Family Dwellings

3. Conditionally Permitted Uses

- a. Bed and Breakfast, as regulated in Article VI, Section 6.04-4.
- b. Churches and other places of Religious Worship, as regulated in Article VI, Section 6.04-5
- c. Private Cemeteries, as regulated in Article VI, Section 6.04-11.
- d. Daycare Centers, Nurseries, Day Schools, as regulated in Article VI, Section 6.04-7

4. Accessory Uses

- a. Accessory Uses, Buildings or Structures customarily incidental to any permitted or conditional uses, as regulated in Article VII, “General Provisions”, Section 7.02-1.
- b. Family Swimming Pools, as regulated in Article VII, “General Provisions”, Section 7.02-2.
- c. Home Occupations as regulated in Article VII, “General Provision”, Section 7.02-3
- d. Off-Street Parking, as regulated in Article VII, “General Provisions”, Section 7.19 and 7.20.

5. Lot Area Dimensional Requirements

- a. Maximum Gross Density:

- | | |
|--|-----------------------------|
| (1) One Family Detached Dwelling Unit: | 2.8 Dwelling Units per Acre |
| (2) Two Family Dwelling: | 5.7 Dwelling Units per Acre |
| (3) Multiple Family Dwelling: | 8.5 Dwelling Units per Acre |

b. Minimum Lot Area

- | | |
|--|--------------------|
| (1) With Individual Water Well and Septic Tank System: | Two (2) Acres |
| (2) With Either Centralized Sewer or Water Systems: | 21,780 Square feet |
| (3) With Both Centralized Sewer and Water System: | 16,000 Square Feet |

c. Minimum Lot Width at Building Setback Line

- | | |
|--|----------|
| (1) With Individual Water Well and Septic Tank System: | 150 feet |
| (2) With Either Centralized Sewer or Water System: | 125 feet |
| (3) With Both Centralized Sewer and Water System: | 100 feet |

d. Minimum Building Setback Requirements

- | | | |
|------------------|--------------|-------|
| (1) Front: | Ninety feet | (90') |
| (2) Side (each): | Fifteen feet | (15') |
| (3) Rear: | Forty feet | (40') |

e. Maximum Building Height 35 feet

f. Minimum Floor Area Per Dwelling Unit

- | | |
|------------------------------|------------------|
| (1) One Family Detached Unit | 1200 Square Feet |
| (2) Two- Family Dwelling | 1800 Square Feet |
| (3) Multiple Family Dwelling | 2699 Square Feet |

6. Supplementary Regulations

a. Driveways

- (1) Driveways intersecting any road shall be provided with a gravel base according to the road grade and pavement specifications approved by the Knox County Engineer.

(2) Culvert Requirements

Where a driveway crosses a drainage ditch or stream, a pipe or such other structure shall be required to permit for unobstructed passage of all surface water generated by a storm with an intensity of a five (5) year occurrence. Such pipe or structure shall be designed according to the construction and improvement specifications of the County Engineer's office.

b. Driveway Access Management Requirements

An applicant required to comply with the minor subdivision review requirements of the Knox County Subdivision Regulations, shall first receive approval of an access management plan from the Knox County Engineer. The access management plan will show the following:

- (1) Access points or common access points for each lot as determined by the County Engineer.

- (2) In situations where traffic safety access constraints present a problem, the Knox County Engineer may require the use of common access driveways. Common access driveways shall be subject to the following design requirements:
- (a) The design of a common access driveway must be certified and inspected by professional engineer, registered in the State of Ohio, prior to each deed transferring ownership.
 - (b) Once a common access driveway has been constructed and recorded, no further access points may occur within the minor subdivision that would create additional building sites unless the driveway is improved to county road standards and is accepted by the County Engineer.
 - (c) All common access driveways shall be limited for access to lots within the subdivision and shall not be used to access lands outside the boundaries of the subdivision.
 - (d) The approval of a common access driveway does not provide for, or imply, responsibility for construction, repair, maintenance, snow removal, dust control, or mowing of any private common access drive by Hilliar Township. Approval does not imply that school bus service or mail service will be provided and such agreement shall be noted in a driveway maintenance agreement.
 - (e) Minimum Width of a Common Access Driveway: 20 feet
 - (f) Driveway Gradient:
 - Minimum: Ten percent (10%)
 - Maximum: Twelve Percent (12%)
 - (g) Improvement Specifications for Common Access Driveways
 - Base Material:
 - Eight inches (8") of compacted 304 aggregate base, eight inches (8") thick. Five inches (5") of 301 aggregate base material may be substitute for eight (8") of 304 aggregate base material.
 - Hard Surface Material:
 - A hard surface pavement with two and one-half inches(21/2") of 448 type 2 asphalt concrete, and one and one-quarter inches(11/4") to one and one half inches of type 1 asphalt Concrete.

IV-14

- (h) The common access driveway shall be titled to one of the lots in the minor subdivision. Access to the other lots shall be by easement of access.
- (i) Any common access driveway over 200 feet in length, shall provide a turnout ten feet by 30 feet at reasonable intervals and located at a distance of not more than 250 feet from each other for free passage of emergency vehicles.
- (j) A turnaround approved by the County Engineer shall be provided at the end of the common access driveway to accommodate fire and emergency vehicles.
- (k) Where a driveway crosses a drainage ditch or stream, a pipe or such other structure, shall be required to permit the unobstructed passage of all surface water generated by a storm with an intensity of a five (5) year occurrence. Any pipe or structure spanning a drainage ditch or stream shall be designed according to the construction and improvement specifications of the County Engineer's office.

c. Major subdivision

An applicant proposing a residential development defined as a major subdivision in the Knox County Subdivision Regulations shall present the following information to the Township Zoning Commission.

- (1) A physical inventory of the site showing the topography, rivers and streams, flood plain boundary, wetlands, and a soil suitability analysis for the proposed development.
- (2) Present documentation that the parcel or tract is not suitable for a planned unit development due to its location, size, shape, and natural features.
- (3) Present documentation that the proposed development meets the access management requirements of subsection 6b above.
- (4) Provide a grading plan showing that the major subdivision will not result in the excessive grading of the site or have an adverse affect on the existing topography, drainage, flood plain, wetlands, mature woodlands or other natural site features; and,

- (5) Provide a reclamation plan showing the type of substitute material to be used capable of self-regeneration and plant succession to support vegetation, where the proposed development includes permanent grading of vegetation and removal of top soil. Reclamation shall be progressive with removal to prevent erosion.

The applicant shall furnish a performance bond based on a per acre amount, reviewed and approved by the Board of Township Trustees, as a guarantee that the work outlined in the reclamation plan shall be completed in satisfactory manner.

ARTICLE V
SPECIAL DISTRICTS

ARTICLE VI

CONDITIONALLY PERMITTED USE STANDARDS

Section 6.01 Purpose

The purpose of this Article is to provide the design standards for certain specified types of uses and activities with regard to their location, size, operation, intensity of use, generation of traffic, ingress and egress and compatibility with other uses. Uses possessing these unique characteristics are established as conditionally permitted uses allowed through the issuance of a conditional zoning certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public health, safety and morals.

Section 6.02 Procedure

1. Application submitted to Zoning Inspector

An application for a conditional zoning certificate shall be made to the Zoning Inspector on a special form provided for this purpose. Each application shall be accompanied by the payment of a non-refundable fee.

2. Data Required With Application

- a. An application supplied by the Zoning Inspector, and completed by the applicant.
- b. A site plan or development plan of the entire property drawn to scale showing the location of all abutting streets, existing adjacent and proposed structures, the types of buildings, their use, and the total acreage or area involved.
- c. Plans and specifications for all proposed development and/or construction, and where appropriate, drainage plans.

3. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications, according to the criteria established in Section 6.03

of this Resolution. Review by the Board of Zoning Appeals shall be completed and made public within forty-five (45) days from the date of submission.

VI-1

4. Public Hearing

The Board of Zoning Appeals shall hold a public hearing on each application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the public hearing. Such notice shall indicate the place, time and purpose of the hearing.

5. Issuance and Revocation of Conditional Zoning Certificate

Only upon the conclusion of public hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the Certificate granted, and shall constitute a violation of this Resolution. The revocation of a Conditional Zoning Certificate shall be in addition to the authority contained in the Ohio Revised Code for the revocation of a Conditional Zoning Certificate.

6. Resubmission of Application for Conditional Zoning Certificate

A Conditional Zoning Certificate that has been denied by the Board of Zoning Appeals shall not be resubmitted until the expiration of one (1) from the date of such denial. Reapplication and payment of an application fee shall be required before the Board of Zoning Appeals shall reconsider the application.

The Board of Zoning Appeals may consider an application at any time upon evidence or proof of changed conditions.

7. Termination

A Conditional Zoning Certificate that has been revoked shall require a reapplication and payment of an application fee before consideration by the Board of Zoning Appeals.

The Conditional Zoning Certificate shall become void at the expiration of one (1) year after the date of issuance unless the structure, alteration, or land use has begun and is continued for a period of not less than thirty (30) days.

Section 6.03 Criteria for all Conditionally Permitted Uses

1. General

A conditionally permitted use, and uses accessory to such conditionally permitted use, shall be permitted in a zoning district only under the following conditions:

- a. When the conditional use is specifically provided for in such zoning district; and,
- b. If such conditionally permitted use conforms to the following general standards in addition to the specific standards, conditions, and regulations for such conditionally permitted use as set forth in this Article and in the regulations for the zoning district in which such conditionally permitted use is to be located.

2. Review Considerations

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence showing that such use at the proposed location will:

- a. Be harmonious and in accordance with the purpose, intent and planning objectives of the Hilliar Township Land Use Plan, and with the regulations for the particular zoning district in which it is to be located, as set forth in this Resolution;
- b. Not be detrimental to or endanger the morals, public health, or safety of the Township;
- c. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- d. Not be hazardous or disturbing to the existing and future use and enjoyment of the property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the surrounding neighborhood;

- e. Not impede the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the zoning district;
- f. Ensure that adequate public services, access roads, sanitary and drainage improvements, and other reasonably necessary facilities have been or are being provided.
- g. Provide ingress and egress designed to minimize traffic congestion, proximity of access drives to street intersections relative to the anticipated volume of traffic;

- h. Not be detrimental to the economic welfare of Hilliar Township by creating excessive additional requirements at public cost to public facilities such as police, fire, and schools;
- i. Ensure that there is minimal potential for future hardship to the proposed conditionally permitted use that could result from its being surrounded by uses permitted as-of-right that may be incompatible;
- j. Ensure that the design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the parking regulations pursuant to Article VII, Section 7.19 and Section 7.20, and shall provide for interconnecting circulation among adjacent parcels;
- k. Be properly landscaped so as to be screened from surrounding residential areas and to be harmonious in appearance with such areas;
- l. Conform to the applicable regulations of the district in which it is to be located as well as any specific supplementary conditions for such use as may subsequently be set forth in this Article.

Section 6.04 Design Standards

1. Asphalt Plants

- a. All activity areas shall be located at least one hundred feet (100') from the lot line of any residential use.
- b. All buildings and storage areas shall be screened from adjacent residential lot lines by a continuous and obscuring year-around greenbelt fifty feet (50') in width, and six feet (6') in height along those side and rear lot lines abutting onto residential lots.
- c. All areas for the parking or storage of trucks and other vehicles shall be paved with asphalt concrete or other similar material.

2. Auto-Marts, Automobile Service Centers and Gasoline Service Stations

- a. Minimum Lot Area: Twenty Thousand (20,000) square feet
- b. Minimum Lot Width: One Hundred feet (100')
- c. Maximum Building Coverage of Total Lot Area: Fifty Percent (50%)

- d. Underground storage tanks shall be placed above the floor surface of a below-grade vault. Said vault shall provide access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.
- e. Underground storage tanks shall be located at least One hundred feet (100') from the lot line of any residential use.
- f. All buildings and storage areas shall be screened from adjacent residential lot lines by a continuous and obscuring year-around greenbelt fifty feet (50') in width, and six feet (6') in height along those side and rear lot lines abutting onto residential lots.
- g. All pump islands shall be located at least twenty-five feet from the road right-of-way line.
- h. The surfaced area for motor vehicle movement and storage shall be paved with asphalt or concrete.
- i. All curb cuts shall be located at least one hundred feet (100') from a road intersection, measured from the road right-of-way lines. Curb cuts shall be limited to a specific number as approved by the Board of Zoning Appeals. Curb cuts shall not be more than twenty-four feet (24') in width.
- j. All repairs shall be conducted within an enclosed building.
- k. No vehicles shall be stored on the premises except those which are presently being worked on.

3. Automotive Car Wash

- a. All buildings and activity areas shall be located fifty feet (50') from all residential property lines.
- b. Stacking space shall be provided outside the road right-of-way for the storage of at least thirty (30) motor vehicles.
- c. Curb cuts shall be located at least seventy-five feet (75') from a road intersection, measured from the road right-of-way lines.

4. Bed and Breakfast

- a. Is conducted only by persons residing on the premises.
- b. Does not necessitate or cause the exterior appearance of the structure to be other than a one-family detached dwelling unit.
- c. Is clearly incidental and secondary to the principal use of the dwelling unit.
- d. Renovations or additions made to entrances and exits from sleeping rooms shall be in compliance with the State Fire Code.

5. Churches and Other Places for Religious Worship

- a. Minimum Lot Area: Two (2) acres
- b. Maximum Building Envelope: Thirty percent (30%).
- c. Minimum Lot Width: One hundred feet (100')
- d. Minimum Building Setback Requirements:
 - (1) Front: Forty-five feet (45')
 - (2) Side (each): Fifteen feet (15')
 - (3) Rear: Forty feet (40')
- e. Maximum Building Height: Three (3) stories
- f. No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to be used to broadcast outside any building.
- g. All exterior lighting shall be shielded so as not to shine onto adjoining properties.
- h. Points of ingress and egress shall be available only from major or collector thoroughfares and all driveways shall exit onto such streets.
- i. All points of ingress and egress shall be located no closer than seventy-five feet (75') from the intersection of two streets.

6. Commercial Kennels

- a. All buildings and other structures used for housing dogs or cats shall have access onto a major thoroughfare. Any structure used for a kennel shall be located fifty feet (50') from any property line.
- b. A six foot (6') wide greenbelt, six feet (6') in height, located along the outside face of the fence enclosing all outdoor exercise areas.
- c. No kennel shall exceed one thousand (1,000) square foot of floor area.

7. Day Care Centers, Nurseries, Day Schools

- a. The proposed site shall be located near the center of the industrial park having points of ingress and egress directly onto an industrial park road.
- b. All buildings and activity areas shall be setback at least sixty feet (60') from all property lines.
- c. A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from any off -street parking lot. A total minimum area of five thousand (5,000) square feet of outdoor space shall be provided, screened from any adjoining residential property line by a greenbelt, fifteen feet (15') in width along the side property line and forty feet in width along the rear property line. The outdoor play area shall be completely enclosed by a fence six (6') feet in height.

8. Mini-Warehouses

- a. The proposed site shall be located within one hundred feet (100') of the boundary line of the Business Park District.
- b. All structures and activity areas shall be located at least eighty feet (80') from all property lines. A greenbelt at least fifteen feet (15') wide shall be provided along the front, side and rear lot lines of the site.
- c. Storage items shall not include volatile liquids or substances such as oil, gasoline or other hazardous materials.
- d. Compartmentalized storage units shall not be used for any on-site or off-site business or industry.
- e. There shall be no more than three (3) buildings containing a total of twenty-two (22) storage units or lockers per building.

- f. Each independent storage unit or locker shall not be less than fifty (50) square feet and not exceed one hundred and twenty (120) square feet in size.
- g. The Township Fire Chief shall review the fire protection systems for conformance to the Ohio Fire Code (OFC) prior to the review and approval of a conditional zoning certificate by the Board of Zoning Appeals.

9. Offices

- a. Buildings shall not create large, bulky masses, being scaled down into groupings of smaller attached structures. The total square feet of floor area devoted to buildings shall decrease from the core of the development toward the edges of the development bordering onto a residential development. The maximum ground level footprint of any building located within sixty feet (60') of a residential development shall not exceed twenty thousand (20,000) square feet.
- b. Service areas shall be provided along the rear lot line screened from public view by a year around greenbelt no less than twenty-five feet (25') wide and six feet (6') high along the rear lot line of the development.
- c. Outdoor storage area for the display of merchandise shall be located in the rear yard enclosed on all sides by an obscuring fence or wall at least six feet (6') in height.
- d. A greenbelt twenty-five feet (25') wide shall be provided along those side and rear lot lines developed or zoned for residential use.
- e. At least twenty percent (20%) of the total site area shall be devoted to landscaping planted according to the requirements set forth in Article VII, Section 7.14,
"Greenbelts."
- f. Lighting shall be directed so as not to shine on adjacent properties.
- g. A parallel access road shall be constructed by the property owner of any lot in the PBP Planned Business Park District fronting onto U.S. 36, according to the requirements prescribed in Article IV, Section 4.07-6(j), of this Resolution.
- h. Off-street parking lots shall be provided according to the requirements prescribed below:

- (1) Off –Street parking shall be permitted to occupy part of the required front yard after approval of a parking plan layout and points of ingress and egress by the Township Zoning Commission.
- (2) The pavement edge of the off street parking lot shall be setback a minimum of ten feet (10') from the pavement edge of any parallel access road.
- (3) A greenbelt ten feet (10') in width shall be provided between the pavement edge of the parallel access road and the pavement edge of the off-street parking lot.
- (4) Off street loading and unloading areas shall be provided in the rear yard in addition to any required off street parking areas.

i. Refuse Collection

Outdoor refuse containers shall be setback fifteen feet (15') from all lot lines and shall be visually screened within a durable six foot (6') high non-combustible enclosure, so as not to be visible from any adjacent lot or road. The opening to any refuse collection area shall face the side of the building. The refuse collection area should be so located on the lot as to provide clear and convenient access to refuse collection vehicles.

No refuse collection storage areas shall be permitted within the front yard setback of any building or structure.

10. Oil and Gas Wells

All permitted installation shall meet or exceed the requirements of the Ohio Department of Natural Resources, Division of Oil and Gas, as described in Chapter 1509 of the Ohio Revised Code. All oil and gas wells shall be maintained in a safe condition so as to prevent injury to any single property, individual or the Township as a whole.

11. Private Cemeteries

- a. The minimum area required for a cemetery site is ten (10) acres.
- b. No business or commercial uses of any kind shall be permitted on the cemetery property except for office uses incidental to cemetery operations.

- c. All structures and burial grounds shall be located at least one hundred and ten feet (110') from all abutting residential properties.
- d. A greenbelt constructed according to the requirements set forth in Article VII, Section 7.14, shall be provided along the side lot lines of the cemetery site abutting onto a residential property line.
- e. All points of ingress and egress shall be located at least seventy-five feet (75') from the intersection of two (2) county or township roads, measured from the street/road right-of-way line.
- f. All points of ingress and egress shall be from a major state county or township road.
- g. Area drainage and/or sanitary facilities shall be subject to approval by the Knox County Board of Health prior to issuance of a Conditional Zoning Certificate.
- h. Only signs designating entrances, exits, traffic direction and titles shall be permitted.
- i. All facilities and structures shall be constructed in accordance with all federal, State or County health, building, electrical, or other codes.

12. Private or governmentally owned and/or operated rifle ranges, gun clubs, archery courts, private parks, swimming facilities, golf courses, riding academies and other similar outdoor recreational activities

- a. Site locations are preferred which offer natural or man-made barriers that would lessen the effect of intrusion into residential areas.
- b. Minimum Lot Area:
 - (1) Golf Courses: Fifty (50) acres for a nine (9) hole course and one hundred (100) acres for an eighteen (18) hole course.
 - (2) Private Swim and/ or Tennis Clubs: Five (5) acres
- c. Rifle ranges, gun clubs and archery courses shall be further subject to the following requirements:
 - (1) Minimum Lot Size: Ten (10) acres.

- (2) Range area shall be located at least five hundred feet (500') from all property lines.
 - (3) Range improvements will include side berms eight feet (8') high, backstop height of fifteen feet (15').
 - (4) Maintain targets at a height that will ensure that projectiles will impact into the backstop.
- d. Located at least eight hundred feet (800') from all property lines.
 - e. All structures and activity areas for all other uses shall be located at least one hundred feet (100'), from all property lines.
 - f. A greenbelt fifteen feet (15') in width shall be provided in accordance with the greenbelt requirements set forth in Article VII, Section 7.14.
 - g. Points of ingress and egress will be directly onto a state or county road and all driveways shall exit onto such streets.
 - h. All points of ingress and egress shall enter the street right-of-way at a point that is at least one hundred feet (100') from the intersection of two streets.
 - i. Exterior lighting shall be shielded so as not to shine onto adjacent residential properties.
 - j. No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in a manner that they are designed or intended to be used to broadcast outside of such buildings.
 - k. All off-street parking lots shall not project into any yard and shall further be screened from adjacent residential areas by a greenbelt fifteen feet (15') in width. Such greenbelt shall be planted in accordance with the greenbelt requirements set forth in Article VII, Section 7.14.
 - l. All plans for storm sewers, sanitary sewers and water lines shall be reviewed and approved by the Knox County Engineer.
 - m. No more than one (1) sign shall be located on each abutting road identifying an activity. Each sign shall be provided in accordance with the provisions of Article VII, Section 7.27, of this Resolution.

- n. Only retail uses, which are customarily accessory or incidental to the principal recreational use, shall be permitted, and may include such uses as refreshment, souvenir, and concession stands.
- o. All facilities and structures shall be constructed in accordance with all Federal, State or County health, building, electrical or other codes.
- p. All activities, programs and other events shall be directly related to the Conditional Use Certificate so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance to the surrounding properties, residences, or the community in general.
- q. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general. A bond may be required to ensure that this provision will be met.

13. Quarrying and Mining of Minerals or Materials

- a. All permitted quarrying and mining of minerals and materials shall meet or exceed the requirements set forth by the Chief of the Division of Mining and Reclamation, Ohio Department of Natural Resources, as prescribed in Chapter 1514 of the Ohio Revised Code.
- b. Plans for the mining and reclamation of the area affected shall include a statement that the future intended use of the site shall include only those uses permitted within the zoning district where the quarrying and mining site is located.

14. Restaurants

- a. All buildings and structures shall be setback at least sixty feet (60') from all property lines.
- b. All off-street parking lots shall be screened from adjacent property lines by a greenbelt fifteen feet (15') in width.
- c. Asphalt plants, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances, and further subject to the following conditions:
 - (1) All lighting shall be shielded from adjacent residential properties.
 - (2) All activity areas shall be located at least one hundred feet (100') from all property lines.

- (3) A year around greenbelt forty feet (40') wide, formed of natural vegetation or landscape materials at least eight feet (8') in height shall be provided along all side and rear lot lines abutting properties used for residential purposes.
- (4) All areas used for off street parking of trucks and other motor vehicles shall be provided with a permanently paved asphalt surface, graded to direct surface water away from adjacent properties.

15. Sexually Oriented Businesses

a. Purpose

It is the purpose of this subsection to regulate adult entertainment businesses in order to promote the public health, safety and morals of the citizens of Hilliar Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within the Township.

These provisions do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.

b. Findings

The Township has received substantial evidence concerning the adverse secondary effects of adult uses on the Township in findings incorporated in the cases *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) and *Young v. American Mini Theatres*, 426 U.S. 50 (1976).

c. Classification of Sexually Oriented Businesses

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;

- (2) Adult bookstores, adult novelty stores, or adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters;
- (5) Adult theaters;
- (6) Nude model studios; and
- (7) Sexual encounter centers.

d. Location Principles

A sexually oriented business may be located only in accordance with the restrictions contained in subsection 3-(b) through (e) below:

- (1) A sexually oriented business may be located only in a Planned Business Park District.
- (2) No sexually oriented business may be established on any lot that has frontage onto Columbus Road (U. S. 36/ State Route 3).
- (3) No sexually oriented business may be established within two thousand five hundred feet (2,500') of:
 - (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care center, nursery school, preschool, kindergarten, elementary school, private school, intermediate school, continuation school, special education school, junior college, university. The word "school" includes the school grounds.
 - (c) A boundary of a residential zoning district as defined in this Resolution.

- (d) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, bike trail, swimming pool, reservoir, golf course, athletic field, basketball or tennis court, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of either the Township or operated and managed by another public entity; or
- (e) An entertainment business which is oriented primarily towards children or family entertainment.

- (4) No sexually oriented business may be established within five hundred feet (500') of the property line of a lot developed for residential use.
- (5) For the purposes of subsections (3) and (4) above, the distance between one (1) sexually oriented structure and another shall be measured using a straight line from the nearest point of the property line of the premises where a sexually operated business is operated, to the nearest property line of the premises of a proposed oriented business.
- (6) No sexually oriented business may be established, operated or enlarged within two thousand five hundred feet (2,500') of another sexually oriented business.
- (7) Not more than one (1) sexually oriented business shall be established or operated in the same building, structure, or portion thereof containing another sexually oriented business.
- (8) No sexually oriented business may be enlarged or expanded.

e. Sign Regulations

- (1) Review and approval for a sign permit for a sexually oriented business shall be in accordance with the procedures specified in Article VII, Section 7.27 of this Resolution.
- (2) All signs shall be "wall signs" as defined in Article II, Section 2.02 of this Resolution with a maximum allowable sign area of forty (40) square feet.
- (3) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or road in front of the building.

- (4) No signs shall be placed in any window. Window areas shall not be covered or made opaque in any way.

16. Telecommunications Equipment Siting

- a. A development plan as regulated in Article VII, Section 7.08, shall be provided, showing the location of the tower and all other accessory structures on the property and the design and painted color of the tower.
- b. No tower shall be constructed with lights and be painted red and white or in any bright colors or configuration of colors except when required by federal laws or regulation. Where lighting fixtures are required by federal laws, strobe lights shall not be used unless specifically required by federal law or regulation.
- c. The tower site shall be located at least five hundred feet (500') from the nearest property line except:
 - (1) In those instances where a communications tower already exists on the same parcel that was constructed prior to January 1, 1999, and
 - (2) The proposed tower will not be constructed within one hundred feet (100') of an existing tower.
- d. The minimum setback line between the base of the tower and all adjacent property lines shall be equal to the height of the tower.
- e. The tower shall be sited and be of a design and color(s) that are in character with the immediate surrounding areas and aesthetically softening the tower's intrusion into areas zoned for residential use. The posting of signs or advertising of towers shall be prohibited.
- f. The applicant shall demonstrate that existing towers located in Hilliar Township cannot accommodate dual or multiple systems.
- g. Each tower shall be so designed and constructed to accommodate the addition and co-location of at least two (2) additional telecommunication systems.
- h. Upon abandoning a tower the applicant shall remove it within ninety (90) days from the date operations ceased to exist, otherwise the Township shall have the authority to remove the tower after the ninety (90) day period with the cost of removal billed to the applicant.

- i. The Board of Township Trustees shall permit a tower to be reconstructed, changed, altered or enlarged subject to the conditions of this subsection and Article XI, Section 11.05. In no event shall the Township permit an existing tower to be reconstructed, changed, altered or enlarged that will substantially increase the tower's height.

17. Antique Stores and Gift Shops

- a. All business activities shall have access onto a state route.
- b. All buildings shall be setback at least sixty feet (60') from all property lines.
- c. Curb cuts shall be located at least seventy-five feet (75') from a road intersection, measured from the road right-of-way lines.

18. Upholstery and Furniture Refinishing

- a. All business activities shall have access onto a state route.
- b. All buildings shall be setback at least sixty feet (60') from all property lines.

Section 6.05 Actions to Prevent Violations of a Conditional Zoning Certificate

If the applicant, upon receiving approval of a Conditional Zoning Certificate fails to comply with all of the safeguards, conditions or requirements of this Article VI, such safeguards, conditions or requirements shall be corrected within ten (10) days after the written order is issued or for a longer period of time as approved by the Zoning Inspector in the written order. Any safeguard, condition or requirement not corrected within the specified time period shall constitute a violation of this Resolution as set forth in Article XIV, Section 14.01 of this Resolution.

Section 6.06 Continuation of Existing Uses Declared to be Conditionally Permitted

Any use existing at the time of enactment of this Resolution and conditionally permitted within their respective district as determined by the Board of Zoning Appeals under this Resolution, shall be issued a Conditional Zoning Certificate by the Zoning Inspector within one (1) year after the enactment of this Resolution.

ARTICLE VII

GENERAL PROVISIONS

Section 7.01 Scope of Zoning Resolution

No building, structure or part thereof, shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose, except in conformity with the provisions of this Resolution. Only uses specifically authorized by this Resolution shall be permitted. Any use so authorized shall not be allowed except as hereinafter expressly provided.

Section 7.02 Accessory Buildings and Uses

1. General

- a. Where the accessory building is structurally attached to the main building, it shall conform to all regulations of this Resolution applicable to the main building.
- b. Accessory buildings for detached garages and domestic storage structures shall be setback at least ten feet (10') from the side lot line and twenty feet (20') from the rear lot line. Accessory buildings shall not be located within a dedicated easement or right-of-way.
- c. Accessory buildings shall not project beyond the minimum required front, side or rear yard in any District.
- d. Where an accessory building is located on a corner lot, said building shall not project beyond the minimum front yard setback line on either street.
- e. No accessory building should be used for business purposes within any R-Residential or Special District.
- f. There shall be no charge for any accessory building used for agriculture.

2. Family Swimming Pools

- a. The depth within a family swimming pool shall be clearly marked on the surface of the pool.
- b. Lighting shall be so arranged and shaded so as to reflect light away from adjoining properties or roads.
- c. Business undertakings involving the retail sale of food, drinks or other merchandise shall be prohibited.
- d. The pool or yard shall be completely surrounded by a fence not less than six feet (6') high to prevent easy access from adjoining properties. The fence shall have a selfclosing gate.
- e. The pool shall only be located in the rear yard of the lot with all components, including deck areas and patios located at least fifteen feet (15') from the side lot line and twenty feet (20') from the rear lot line.
- f. Pools that are no longer useable shall be filled in or removed.

3. Home Occupations

a. Purpose:

The purpose of this subsection is to permit certain home occupations as accessory uses in dwelling units, providing they are clearly incidental and secondary to the use of the dwelling for residential purposes, and do not change the character thereof, or adversely affect the character of the residential area. In general, a home occupation is an accessory use located and conducted so that the average neighbor, under normal circumstances, would not be aware of its existence.

b. Permitted Home Occupations:

The following list of permitted home occupations is illustrative of the type and scale of use that can normally be conducted within the limits of the restrictions established in this subsection. However, uses not specifically listed, yet similar in nature to the permitted home occupations listed below, and which meet the intent and regulations of this subsection may be permitted at the discretion of the Board of Zoning Appeals. The following uses are permitted providing they comply with all of the provisions of this Section:

- (1) Artists, sculptures, photographers.

VII-2

- (2) Authors, composers and musicians.
- (3) Clerical services.
- (4) Tailoring, dressmaking, seamstress.
- (5) Baby-sitting.
- (6) Instruction in music, dance or other type of teaching providing such instruction is limited to two (2) pupils at a time.
- (7) The office of a minister, rabbi, priest, sales representative, manufacturer's representative, architect, engineer, contractor, realtor, broker, lawyer, insurance agent or similar professionals, provided that such home occupations do not involve the presence of more than one (1) client vehicle at a time.

c. Prohibited Home Occupations:

The following list includes those uses that are beyond the limits permitted for home occupations and therefore are prohibited:

- (1) Appliance repair, sales and service.
- (2) Automobile, vehicle, boat, trailer and lawn mower repair; sales or rental.
- (3) Barber and beauty shops.
- (4) Fireworks.
- (5) Medical, dental or veterinary clinics and offices.
- (6) Music, business, dancing, exercise, art or martial art schools.
- (7) Restaurants
- (8) Retail antique or gift shops
- (9) Rooming houses
- (10) Sale of firearms or ammunition
- (11) Upholstering and furniture refinishing.

VII-3

d. Performance Standards:

- (1) Family members and one (1) employee residing on the premises shall be employed in the home occupation.
- (2) The home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
- (3) There shall be no exterior evidence of the occupation being conducted in the home.
- (4) There shall be no structural modifications of the structure or garage, such as a separate business entrance, or construction of accessory structures on the property.
- (5) There shall be no exterior storage of goods, equipment or materials, and no emission of glare, noises, sounds, odors or vibrations.
- (6) There shall be no interference with radio or television receivers or fluctuation in line voltage caused by the operation of electrical or mechanical equipment.
- (7) There shall be no more than one (1) sign on the premises and it shall not exceed two (2) square feet and shall be attached to the dwelling unit.
- (8) There shall be no paving or modification of the front yard for parking other than the customary space used for a driveway.
- (9) Traffic generated by a home occupation shall not exceed on a continual basis the average volume normally expected for a residential dwelling unit, which for the purposes of this Resolution, means no more than ten (10) vehicular trips per day.
- (10) Attached or detached garages may be used for the home occupation, provided modifications are made to the garage and further provided that the garage can at all times accommodate the number of vehicles for which it was designed.

Section 7.03 Approval of Subdivision Plats

No proposed plat of a new subdivision shall be approved unless the lots within such subdivision equal or exceed the minimum lot area and width requirements and all

supplementary requirements of the zoning district or overlay district in which the subdivision is located.

Section 7.04 Conflicting Regulations

Whenever any provision of this Resolution imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Resolution, then the provisions of this Resolution shall govern. Whenever the provisions of any other law or Resolution impose more stringent requirements than are imposed by this Resolution, then the provisions of the more restrictive resolution shall govern.

Section 7.05 Corner Clearance

No fence, greenbelt, or any other obstruction to vision above a height of two feet (2') from the established grade of a road shall be permitted within the triangular area at the intersection of any road right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty feet (30') measured from their point of intersection.

Section 7.06 Corner Lots

Corner lots shall have two (2) front yards facing both roads.

Section 7.07 Development

Any development for which a zoning certificate or conditional zoning certificate has been issued shall be completed within a two (2) year period from the date the certificate was granted. Failure to complete the development within the specified period of time noted above shall constitute a violation of this Resolution as set forth in Article XIV, "Enforcement, Penalties and Additional Remedies."

Section 7.08 Development Plan

1. A development plan shall be required for any permitted use or accessory use for which submission of a development plan is required by any provision of this Resolution. The

applicant shall submit three (3) copies of a development plan legibly drawn at a scale of one inch equals fifty feet (50'), and shall contain the following:

- a. Location, north arrow and scale of the drawing, and the total site area proposed to be developed.
- b. Contours at two (2) foot intervals, watercourses, woodlands and wetlands.
- c. Existing land use and zoning of parcel or parcels involved and all adjacent parcels.
- d. Gross and net density of residential development and the total number of dwelling units and acres devoted to each type of residential, business and industrial use.
- e. Area and dimensions of each lot and the delineation of front, side and rear yard setback lines.
- f. For business and industrial uses, a table including tabulations in square feet of building of gross floor area.
- g. Total impervious surface area of the site expressed in square feet and percent of the total site area.
- h. The proposed use, height and location of all principal buildings used for business and industrial purposes.
- i. Location and width of existing streets bordering the property and proposed streets serving each proposed block and lot.
- j. Location and width of all utility easements (i.e. water, sewer, sanitary sewer, storm sewer, gas, electric, telephone, etc.); location and number of acres devoted to the well head zone designation, where appropriate; and the proposed storm water management plan for the site.
- k. The size, orientation and number of off-street parking spaces along with appropriate calculations on the number of spaces required.
- l. The location and percentage of land to be devoted to common open space areas, and the manner and ownership of maintenance of such open space areas and the landscape plan showing the location and description of plant materials in required greenbelt areas.
- m. Location and description of any signs, where appropriate.

- n. The substance of protective covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities.
- o. A “Preliminary Engineering Certification” that the approximate layout of proposed streets, buildings, common open space areas and greenbelts shown on the development plan comply with the County’s storm water management, zoning and subdivision requirements. This certification requirement is meant to provide the County with assurance that the development plan can be accomplished within the current regulations of the County.

The certification shall also note any waivers needed to implement the development plan as drawn.

- p. A signature block on the development plan containing the following statement: “Upon the issuance of a zoning certificate by Hilliar Township, this development plan shall be binding upon the applicant, the applicant’s successors and assigns. The issuance of a zoning certificate shall also restrict and limit the construction, location, use, occupancy and operation of all land and structures within this development plan to all conditions, requirements, locations and limitations set forth herein. Withdrawal or amendment of this development plan may be permitted only in accordance with this Resolution. This document represents the entire understanding between the applicant and Hilliar Township with regard to development rights.
- 2. In accordance with the Land Use Plan the Township Zoning Commission may impose additional conditions on the development plan.
 - 3. The Township Zoning Commission may refuse to accept any proposed development plan upon the determination that it is inaccurate, illegible, or not in compliance with the requirements of this Section.

Section 7.09 Driveway Setback and Construction Specifications

- 1. Driveways intersecting any road shall be constructed according to the road grade and pavement specifications approved by the Knox County Engineer’s office.
- 2. Driveway aprons shall be located at least ten feet (10’) from any side lot line.

Section 7.10 Exclusionary Nature of Zoning Resolution

This Zoning Resolution shall be deemed to be exclusionary in nature and any use of land not specifically permitted by this Resolution in a zoning district or overlay zoning district shall be deemed to be a use which was intentionally excluded from the zoning district or overlay zoning district.

Section 7.11 Exterior Lighting

All lighting fixtures for parking areas or the external illumination of buildings or grounds shall be directed away from and shall be shielded from adjacent residential properties or residential districts and shall also be arranged so as not to adversely affect driver visibility on adjacent streets or roads. All lighting fixtures designed or placed so as to illuminate any portion of a lot shall meet the following requirements:

The light source shall be completely concealed within an opaque housing and shall not be visible from any street or road

1. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type of lighting fixtures must be used for the same or similar types of lighting on any one site.
2. Fixtures must be mounted in such a manner that the cone of light emitted from a sign does not cross any lot line.

Section 7.12 Fences

1. Residential Districts
 - (a) Fences on recorded lots having a lot area of one acre (43,560 square feet) or more and a minimum lot width of one hundred and fifty feet (150'), or acreage not included within boundaries of a recorded plat, are excluded from these regulations.
 - (a) Fences on all lots of record shall not exceed six feet (6') in height, measured from the surface of the ground.
 - (c) No fence shall extend beyond the required minimum front yard setback-line. However, decorative fences not exceeding a height of three feet (3') shall be permitted providing such fence is setback at least two feet (2') from the street right-of-way.

- (d) Fences shall be setback at least two feet (2') from all side or rear property lines, or the boundary lines of any easement of access.
- (e) Fences on lots, exclusive of those used for agricultural purposes, shall not contain barbed wire, electrical current or a charge of electricity.
- (f) Fences enclosing public institutions, public uses, parks, playgrounds or public landscaped areas, shall not exceed eight feet (8') in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than fifty percent (50%) of their total area.
- (g) A six foot (6') high obscuring fence shall be provided and maintained for multiple family uses on those side and rear lot lines abutting a one or two family residential development.

2. Business and Planned Business Park Districts

- (a) A six foot (6') high obscuring fence shall be provided and maintained for business or industrial uses along those side and rear lot lines abutting a one family, two family or multiple family residential development.
- (b) No fence shall extend beyond the required minimum front yard setback-line.
- (c) Outdoor storage and assembly areas, or parking lots used for business or industrial use shall be obscured from public view by a six foot (6') high fence provided along those side and rear property lines that abut onto a one family, two family or multiple family development.

Section 7.13 Flood Zone Standards

All development activity in Hilliar Township shall conform with the standards governing flood plain protection zones identified by the Federal Emergency Management Agency (FEMA), and administered by the Knox County Planning Commission.

Section 7.14 Greenbelts

This section establishes minimum standards for the provision, installation and maintenance of landscape plantings in greenbelts to protect the rural character and stability of residential,

business and industrial areas; safeguard property values, protect public and private investments; and, enhance the community's environmental and visual character.

The following standards shall be considered as the minimum requirements for the installation of all plant materials in greenbelts and perimeter landscape strips:

1. Standards for Evergreen Trees

- a. At the time of planting, trees shall be no less than five feet (5') in height.
- b. Evergreens are to be of upright growth with good density to screen from view abutting office, business and industrial land uses.
- c. Evergreens shall be selected to match the site conditions in terms of light exposure, winds, soil conditions and low maintenance.
- d. The removal of existing trees over five inches (5") in diameter shall be prohibited within any greenbelt area.
- e. The following plant materials shall be used for greenbelt plantings: arborvitae, selected pines, spruces, firs, junipers (upright types), and some types of yews (upright types).

White pine is unacceptable because of wide spacing between branches and decline in tree health over the years.

- f. Arrangements shall be made for maintenance of plantings to keep them in a healthy and attractive condition, including mulching, watering and weed control.

All unhealthy or dead plant material shall be replaced during the next planting season.

2. Landscaping Off-Street Parking Lots

Off Street parking lots with twenty (20) or more spaces designed to provide rows of parking shall provide one (1) or more continuous landscape divider strips eight feet (8') wide down the center of the parking lot. The landscape island(s) shall be surrounded by a raised curb or wheel stops to prevent vehicular encroachment and shall be maintained in grass or other permanent year-around landscape materials. In addition, one (1) small deciduous ornamental or shade tree shall be provided for every forty feet (40') of lineal

distance. The type of plant material shall comply with the requirements of subsection 1(e) above.

3. Greenbelts between Residential Lots and Lots Used for Agriculture, General Business, Planned Business park and Manufactured Home Park Uses
 - a. A greenbelt fifteen feet (15') wide shall be created, exclusive of that required for sidewalks or utility easements. The greenbelt area shall be planted with evergreen trees no less than five feet (5') tall at the time of planting and shall be no less than six feet (6') in height at maturity.
 - b. Trees shall not be placed where they interfere with site drainage, obstruct the vision of on-coming vehicles or where they shall require frequent pruning to control interference with overhead power lines. Trees planted under power lines shall not exceed a mature height of twenty feet (20').
 - c. Trees shall be planted in the centerline of the greenbelt, or setback at least ten feet (10') from any lot line.
4. Greenbelts between Parallel Access Roads and Off Street Parking Lots where General Business or Planned Business Park Uses front onto Columbus Road
 - a. A greenbelt shall be required between any parallel access road and the pavement edge of the off-street parking lot serving an apartment, office, business or industrial use facing or backing onto Columbus Road (US 36/State Route 3). The required greenbelt shall be ten feet (10') wide, planted with deciduous ornamental or shade trees, five feet (5') in height, six feet (6') on center.
 - b. A greenbelt will not be required in those instances where existing tree stands are to be preserved between the parallel access road and the pavement edge of the parking lot.

Section 7.15 Junk Vehicles and Materials Prohibited

Any of the following, which have been abandoned, wrecked, or dismantled shall not be permitted to remain on the premises in any zoning district: automobiles, buses, motorcycles, trucks, tractors, boats, trailers, operating equipment, construction equipment, aircraft, furniture, or other miscellaneous material.

Section 7.16 Lots, Yards and Open Spaces

1. The space counted or calculated as part of a side yard, rear yard, front yard for any proposed building or dwelling group, required by this Resolution, shall not be counted or calculated to satisfy the yard or open space requirements of or for any other buildings or premises.
2. The side lot lines of a lot shall be perpendicular to the front lot line.

Section 7.17 Minimum Lot Width Requirement

All buildings except accessory buildings shall be located on a lot that meets the minimum lot width requirement at the minimum building setback line for the zoning district in which the lot is located.

Section 7.18 Non-conforming Lots, Non-conforming Uses of Land, Nonconforming Structures, and Non-conforming Uses of Structures and Premises

1. Purpose

Within the districts established by this Resolution there exists uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Resolution or amendments.

It is the intent of this Resolution to permit non-conforming uses of land, structures and uses of structures and premises to continue until they are removed, but not to encourage their expansion or survival.

Nothing in this Resolution shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on in a diligent manner.

2. Single Non-conforming Lots of Record

- a. In any zoning district in which a one family detached dwelling unit is permitted, a onefamily detached dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Resolution. This provision shall apply even though such lot of record fails to meet the lot area and width requirement, or both, generally applicable within the zoning district, provided that yard dimensions and requirements other than those applying to lot area and width, or both, shall conform to the regulations for the zoning district in which the lot is located.
- b. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot area and width requirements established for the zoning district in which the lot is located.
- c. Variations from the requirements of this Resolution other than the required lot area and width shall be obtained only through action by the Board of Zoning Appeals as provided in Article XI, Section 11.05-2.

3. Non-conforming Uses of Land

Where a lawful use of land exists which would not be permitted by this Resolution, the land use may be continued so long as it remains otherwise lawful, provided:

- a. The enlargement, increase, or extension of a non-conforming use shall be determined through action of the Board of Zoning Appeals as provided in Article XI, Section 11.05-1.
- b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of this Resolution;
- c. If any non-conforming use of land is discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the zoning district in which such land is located.

4. Non-conforming Structures

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

- a. The enlargement, increase, or extension of an existing non-conforming structure shall be determined through action by the Board of Zoning Appeals, as provided in Article XI, Section 11.05-1.
- b. Should a non-conforming structure or non-conforming portion of a structure be accidentally destroyed, it may be reconstructed as it existed before destruction provided the reconstruction shall begin within two (2) years and shall be completed within three (3) years. Such reconstruction shall not result in a larger structure than existed before such destruction.
- c. Should a non-conforming structure be moved for any reason or for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. An accessory structure not conforming to the requirements of this Resolution shall be declared as a non-conforming structure.

5. Non-conforming Uses of Structure and Land in Combination

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

- a. No existing structure devoted to a use not permitted by this Resolution for the district in which it is located shall be enlarged, increased, or extended except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- b. Any non-conforming use may be extended throughout the parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such buildings.
- c. Any structure, or structure and land in combination, where a non-conforming use is replaced by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district in which it is located, and the non-conforming use may not thereafter be resumed.

- d. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;

VII-13

- e. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- f. Work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, heating or plumbing on any non-conforming structure or portion of a structure containing a non-conforming use, provided that the cubic content existing when it became non-conforming shall not be increased except as herein above provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 7.19 Off-Street Parking

Permanent off-street parking shall be provided at a minimum in the amount specified below and in compliance with the layout, construction and maintenance standards of Section 7.20, “Off-Street Parking Space Layout, Construction and Maintenance Standards.”

1. Off-Street Parking Requirements

No zoning permit or conditional zoning permit shall be issued for any permitted or conditionally permitted use in any zoning district or special district that does not comply with the minimum off-street parking space requirements, and layout, construction and maintenance standards prescribed in this subsection:

- a. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are to serve.
- b. Any area once designated as required off-street parking shall never be changed to any other use unless and until an equal number of spaces are provided elsewhere.

- c. Off-street parking facilities existing at the effective date of this Resolution, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- d. Two (2) or more buildings or uses may collectively provide the required off-street parking, provided the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

- e. Off-street parking for a non-residential use shall be either on the same lot or within three hundred feet (300') of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. The applicant shall provide a development plan showing the ownership of all lots or parcels intended for use as parking.
- f. The storage of merchandise, motor vehicles for sale, trucks or the repair of motor vehicles is prohibited on off-street parking lots.
- g. Whenever off-street parking space requirements are not mentioned for a specific use, the Zoning Board of Appeals is authorized to designate the appropriate number of parking spaces and shall make the compliance with its order a condition of the development plan approval. In reaching its decision, the Zoning Board of Appeals shall consider the following:
 - (1) The maximum number of employees, customers and other persons who will be on the premises at any one time.
 - (2) The number of spaces required in subsection 2 below, for uses comparable in nature to the proposed use.
- h. Access to off-street parking facilities shall be so designed so as not to obstruct the free flow of traffic. All multiple family, business, office, manufacturing, public and institutional uses shall make adequate provision for ingress and egress to all parking spaces to insure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- i. Off-street parking spaces shall be provided for the physically handicapped according to the rules and regulations established by the State of Ohio for making buildings and facilities accessible to and useable by physically handicapped people.

The number of off-street parking spaces required to serve the physically handicapped shall be provided according to the standards in the following schedule:

<u>Total Number of Spaces</u> <u>On the lot or in the building</u>	<u>Required Number of</u> <u>Accessible Spaces</u>
Up to 100 spaces (25) parking spaces.	One (1) space per twenty-five
101 to 200 spaces space per fifty (50) parking over 100 spaces.	Four (4) spaces plus one (1) spaces

2. Minimum Number of Off Street Parking Spaces By Use

The minimum number of off-street parking spaces by type of use shall be provided in accordance with the following schedule:

<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
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(a) Residential

- | | |
|--|---------------------------------|
| (1) One-family and two-family | Two (2) for each dwelling unit. |
| (2) Multiple-family | Two (2) for each dwelling unit. |
| (3) Extended care unit
and one (1) for each employee. | One (1) for each two (2) units, |

<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
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(b) Institutional

- | | |
|--|---|
| (1) Churches and temples
six feet (6') of pews in the main
worship area. | One (1) for each three (3) seats or |
| (2) Hospitals/wellness Centers
one (1) for each employee. | One (1) for each one (1) bed plus |
| (3) Nursing Homes
plus
for each employee. | One (1) for each two (2) beds
one (1) |
| (4) Elementary and middle schools

(1) for every eight (8) seats in the
room with the largest seating | One (1) for each one (1) teacher,
employee or administrator and one

capacity. |
| (5) Senior High School
teacher,
employee, administrator and one
(1) for each ten (10) students, in | One (1) for each one (1) |

addition to the requirements for an auditorium.

(6) Private clubs or lodge halls One (1) for each three (3) persons allowed within the maximum occupancy load as established by the building and fire code.

(7) Golf clubs, excluding "par-3" Six (6) for each one (1) golf hole courses and one (1) for each one (1) employee.

(8) Swimming pool clubs, tennis One (1) for each two (2) member clubs or other similar uses. families or individuals.

(9) Stadium, sports arena or One (1) for each three (3) seats or similar places for assembly. six (6) feet of benches.

<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
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(10) Theaters and Auditoriums. plus one (1) for each employee.	One (1) for each three (3) seats
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(c) Business Uses

(1) Banks, savings and loan and credit unions. hundred (300) square feet of useable floor area.	One (1) for each employee and one (1) for each three
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(2) Beauty parlor or barber shop. first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.	Three (3) spaces for each of the
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(3) Bowling alleys lane and one (1) for each employee.	Four (4) for each one (1) bowling
(4) Business and trade schools and one (1) for each employee.	One (1) for every two (2) students
(5) Car Wash. In addition, adequate waiting space for eight (8) cars shall be provided on the property.	One (1) for each one (1) employee.
(6) Drive-Thru Restaurants customers plus eight (8) spaces for the storage of cars in the drive thru lane.	One (1) for each three (3)
(7) Exhibition halls, Assembly Halls	One (1) for each three (3) persons allowed without fixed seats.
(8) Funeral homes feet of useable floor space and one (1) for each employee.	One (1) for each fifty (50) square
(9) Miniature or Par-3 golf course	Three (3) for each one (1) hole and one (1) for each employee.

<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
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(10) Motels one (1) for each employee.	Five (5) for every guest room and
(11) Nursing homes, extended care facilities employee.	One (1) for every four (4) patients or residents and one (1) for every
(12) Office establishments	One (1) for each two hundred (200) square feet of useable floor

	area and one (1) for each employee.
(13) Planned shopping center. (200) square feet of useable floor area.	One (1) for each two hundred
(14) Restaurants, eating and drinking establishments, excluding drive-in restaurants	One (1) for each three (3) customers and one (1) for each employee.
(15) Retail stores, except as otherwise specified herein. area.	One (1) for each one hundred (100) square feet of useable floor (d) Industrial Uses
(1) Warehouses	One (1) for each one thousand (1,000) square feet of gross floor area for the first 20,000 square feet; one (1) for each two thousand (2,000) square feet of gross floor area for the second twenty thousand (20,000) square feet; one (1) for each for each four thousand (4,000) square feet of gross floor area for areas in excess of the initial forty thousand (40,000) square feet of floor area of the building.

<u>Permitted Use</u>	<u>Minimum Number of Parking Spaces</u>
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(2) Manufacture, research three (3) employees, but in no event less than three (3) spaces for each one thousand (1,000) square feet of gross floor area.	Two (2) spaces for each and assembly
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Section 7.20 Off-Street Parking Space Layout, Construction and Maintenance Standards

Off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. Plans for the layout of off-street parking facilities shall be designed according to the Standards in the following schedule:

Parking Angle at Base Line (In Degrees)	Maneuvering Lane Width (In Feet)	Length (In Feet)	Parking Space: Width	
45		12'	20'	8'4"
60		15'	20'	8'6"
90		20'	20'	9'0"

2. All spaces shall be provided with adequate access by means of a maneuvering lane. Backing directly onto a street shall be prohibited.
3. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in areas zoned for multiple family dwelling units, business or industrial uses shall not be across land zoned for one-family detached dwelling units.

4. Only one-way traffic shall be permitted in maneuvering lanes serving single loaded parking spaces placed at an angle other than ninety (90) degrees.
5. Off-street parking lots shall be provided with a continuous and obscuring greenbelt not less than four feet six inches (4'6") in height measured from the surface of the parking lot. This greenbelt shall be provided on all side and rear yards abutting a residential development.

When a front yard setback is required, all land between the edge of the parking lot and road the right-of-way line shall be landscaped with deciduous planting materials. All such

plantings and landscaping shall be maintained in a healthy condition, neat and orderly in appearance

6. The off-street parking lot, including parking spaces and maneuvering lanes shall be surfaced with asphalt or concrete cement according to specifications approved by the Knox County Engineer.

Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking lot in such a way to preclude draining water onto adjacent property.

7. All lighting used to illuminate any off-street parking lot shall be so installed and directed onto the parking lot only.

Section 7.21 Off-Street Loading and Unloading

Every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise shall provide and maintain on the lot, adequate space for the storage, loading or unloading of motor vehicles in order to avoid undue interference with the public use of dedicated rights-of-way. Standing, loading and unloading spaces shall be provided as follows:

1. Off street loading spaces shall be ten feet by fifty feet (10' X 50'), or five hundred (500) square feet in area, with a clearance of at least fourteen feet (14') in height.
2. Off-street loading space is not to be included in computing the required number of offstreet parking spaces.
3. Off-street loading spaces shall be located totally outside of any street right of way.
4. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dust free surface.
5. Off street loading spaces shall be provided according to the following schedule:

Gross Floor Area (In Square Feet)	Number of Spaces
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3

100,000 - 160,000	4
160,000 and over	6

Section 7.22 Prohibited Uses

The following uses shall be prohibited in Hilliar Township:

1. Refinery operations.
2. Commercial incineration, treatment or remediation of any material, including, but not limited to, burning or heating soil or aggregate contaminated with petroleum products or any other pollutant or industrial waste.
3. Disposal, storage, shredding or processing of tires for commercial purposes.
4. Dumping, disposal, incineration or reduction of garbage, sewage, dead animals, or other refuse.
5. Fat rendering or the production of vegetable product by boiling or distillation.
6. Junkyards, scrap yards or motor vehicle wrecking yards.
7. Manufacture of creosote, production of fertilizers or pesticides for commercial purposes, roofing materials, rubber products or rubber reclamation, glue, gelatin, tanning, curing, processing of hides or animal skins, explosives including fireworks and matches.
8. Mobile homes on individual lots of record, except as permitted in Section 7.29, "Temporary Uses".
9. Petroleum refineries.
11. Process, manufacture assembly or treatment of any hazardous uses such as the manufacture or bulk storage of poisonous gases.
12. Process, manufacture, incineration or treatment of liquid or gaseous wastes of an objectionable or polluting nature, defined as those wastes which adversely alter the bacteriological, chemical, physical composition of the water or air creating a hazard, nuisance or detriment on-site or to the detriment of residents and property owners living in downstream or on any lake, stream or river.
13. Sanitary landfills.

14. Slaughterhouses.
15. Smelting of iron, tin, zinc or any other ore or ores.
16. Storage of second hand materials, baling or treatment of garbage, junk, iron, rags, bottles and/or scrap paper.
17. Storage, treatment, incineration or disposal of the following types of waste product:
 - (a) “Infectious wastes” as currently defined by Section 3734.01(R) of the Ohio Revised Code;
 - (b) “Hazardous wastes” as defined in Section 3734.01(J) of the Ohio Revised Code;
 - (c) “Nuclear and radioactive wastes” as defined by Section 3734.01(R) of the Ohio Revised Code.

Section 7.23 Reserved for Additions

Section 7.24 Principal Building

Only one (1) principal building shall be permitted on any single lot of record within any zoning district.

Section 7.25 Public Access Requirements

Every building shall be located on a lot having frontage on a public road. Proposed public roads to be dedicated to the Township shall be constructed according to the minimum improvement standards set forth in the Knox County Subdivision Regulations.

Section 7.26 Public Nuisances

No motorized component shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the lot line. Noise standards established by the Ohio Protection Agency shall be complied with.

Section 7.27 Sign Regulations

1. Purpose:
 - a. Promote and protect the public health, safety and morals by regulating proposed outdoor advertising signs, and outdoor signs of all types.
 - b. Protect the unique rural character of the Township and preserve the scenic and natural beauty of designated areas.
 - c. Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, impair visibility and other traffic hazards due to collapse, fire, collision, decay or abandonment.
 - d. Promote the efficient transfer of general public and commercial identification or information by improving legibility and effectiveness of signs through the control of their number, location, size and illumination and animation.
2. Permitted Signs

The following types of signs are permitted in Hilliar Township as allowed per each zoning district regulation. Dimension and location of a sign is determined on a case by case basis by approval of a majority vote of the Hilliar Township Trustees. Sign zoning permit fees are per the Hilliar Township fee schedule.

a. Permanent Signs

- | | | |
|-------------------------|-------------------|----------------------|
| (1) Billboard | (5) Directional | (9) Name Plate |
| (2) Building Marker | (6) Entrance/Exit | (10) Subdivision |
| (3) Business/Industrial | (7) Institutional | (11) Home Occupation |
| (4) Changeable Copy | (8) Memorial | |

b. The following Temporary Signs do not require a permit if they are used at the same address less than 60 days.

- | | | |
|--|---|-----------------|
| (1) Construction message and are attached to a building. | (5) Banners that advertise a commercial | (2) Garage Sale |
| (3) Political | | |
| (4) Real Estate | | |

3. Prohibited Signs

The following types of signs shall be prohibited on private property:

- a. Beacons.
- b. Pennants.
- c. Marquees.
- d. Mobile signs that advertise a commercial message.
- e. Roof signs.
- f. Strings of lights, not permanently mounted to a rigid background, except those exempt under the provisions of subsection 4 below.
- g. Portable Signs, except as regulated under subsection 4 below.
- h. Inflatable sign's or tethered balloons that advertise a commercial message.

4. Signs Exempt from Regulation

The following signs are exempt from regulation:

- a. Any public notice or warning required by a valid and applicable state, or local law, regulation, or resolution.
- b. Any sign inside a building, not attached to a window or door.
- c. Works of art that do not include a commercial message.

- d. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Minimum Traffic Control Standards of the Ohio Department of Transportation and which contain no commercial message of any kind.
- e. Holiday lights and decorations with no commercial message.
- f. Portable signs for non-profit organizations.
- g. Flags of the United States, the State of Ohio, foreign nations, or any flag adopted or sanctioned by an elected legislative body provided that such flag shall not exceed (60) square feet in area. Flags shall be flown in accordance with protocol for the stars and stripes as established by the Congress of the United States.
- h. Banners for churches, schools, public entities, charitable and non-profit institutions provided that such banner shall not be posted for more than a thirty (30) day period.

5. Abandoned Signs

A business which ceases to operate, shall remove all signs from the premises. Upon failure to do so, the Zoning Inspector shall give notice to the owner of the property to remove such sign. Unless the sign is removed within ten (10) days thereafter, the Township may remove the sign at the property owner's expense.

6. Number, Maximum Size, Location and Other Requirements

Signs classified by type are permitted according to the number, maximum size, location and other requirements as described in Table 1 and Table 2.

7. Design, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- a. No signs shall be erected in the public right-of-way.
- b. Where lots include multiple uses or multiple users, the number of freestanding signs shall be limited to a total of one (1) sign structure for each street on which the lots

included in the plan have frontage and shall provide for shared or common usage of such sign structures.

- c. All signs shall comply with the current additions of the Ohio Basic Building Code and the National Electrical Code.
- d. Signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure, except for temporary signs conforming in all respects with the requirements of this Resolution.
- e. If the zoning inspector finds that any sign is unsafe, insecure, a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the owner. The Zoning Inspector may cause any sign that creates a danger to persons or property to be removed immediately and without notice.
- f. No sign obstructing vision above a height of two feet (2') from the established street grade shall be permitted within the triangular area formed by lines drawn between points along said right-of-way lines at a distance along each line of twenty five feet (25') from their point of intersection.
- g. No sign shall be confused with, any authorized traffic sign, signal or other warning device as defined in the "Manual of Uniform Traffic Control Devices"; or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

8. Review Procedure

Signs shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Zoning Inspector. A sign construction permit shall be issued only in accordance with the following requirements and procedures:

a. Sign Plan Procedure

(1) Submission of a Sign Plan

The owner or lessee proposing to erect one or more signs requiring a permit shall make application to the Zoning Inspector for approval of a sign permit. A separate application for a sign permit shall be required for each sign where multiple signs are to be constructed on the same lot. The following information shall be submitted to the Zoning Inspector:

- (a) The name, address and phone number of the owner of the property, where the sign is to be erected.
- (b) Name, address and phone number of the licensed sign erector.
- (c) A description of the sign including the materials used in its construction, its size and the details and calculations of its structural design including the design of its foundation in such a form that the County Engineer requires so that its safety can be assured.
- (d) Two (2) copies of a sign plan, drawn to scale, showing the location of the sign on the lot and/or building; an elevation view of the height and area dimensions of the sign; and the location of buildings, parking lots, driveways, landscape areas and other appurtenances on the lot.
- (e) Computations indicating the maximum total sign area, the maximum area for individual signs, the height of signs and the number of pole signs allowed on the lot(s) included in the plan.
- (f) An accurate indication on the site plan showing the proposed location of each existing and proposed sign of any type, whether requiring a permit or not, except that temporary signs do not need to be shown.
- (g) Specify standards for consistency among all signs on the lots affected by the plan with regard to: color scheme, lettering or graphic style, lighting, the location of each sign on the buildings, materials, and sign proportions.
- (h) The submitted sign plan shall be accompanied by the applicable fee established for a sign plan on file in the Zoning Inspector's office.

(2) Conformance

If any new or amended Sign Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within one (1) year, all existing signs not conforming to the proposed amended plan or to the requirements of this Section.

(3) Consent

The Sign Plan shall be signed by all owners or their authorized agents upon receiving written approval from the Zoning Inspector that the plan meets all applicable provisions of this Section.

(4) Binding Effect

After approval of a Sign Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with the Sign Plan, and such plan may be enforced in the same way as any provision of this Resolution.

(5) Issuance of Sign Permit

The Zoning Inspector will issue a sign permit upon receiving approval of the sign plan and payment of the applicable sign permit fees.

Any property zoned General Business the fees sign will be as follows

Standard business signs (permanent):

- \$75 flat fee

Temporary signs:

- o \$25 flat fee

Billboards/off-premise signs:

- o Site plan review fee: \$500
- o Approved Sign Permit: \$250

B . Non-conforming Sign

A sign for which a sign permit would have been issued under this Resolution, but which was in existence on January 1, 2003, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Resolution, shall be declared to be a NonConforming Sign by the Zoning Inspector.

Permits shall allow sign(s), which were made non-conforming by the adoption of this Resolution, to remain in place, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of Table 1 and Table 2. A change in the information on the face of an existing nonconforming sign is allowed. However, any non-conforming sign shall either be eliminated if found to be structurally unsafe or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign.

9. Violations

Any of the following shall be a violation of this Resolution and shall be subject to the enforcement remedies and penalties set forth in Article XIV:

- a. To install, create, or erect any sign requiring a permit without a sign permit.
- b. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
- c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Resolution.

- d. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Resolution.

10. Enforcement Remedies

Any violation or attempted violation of this Section or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Section shall be considered a violation of the Zoning Resolution of Hilliar Township. The remedies of the Township shall include:

- a. Issuing a stop-work order for any and all work on any signs on the same lot.
- b. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity.
- c. Imposing any penalties that can be imposed directly by the Township under the Zoning Resolution.
- d. Seeking in court the imposition of any penalties that can be imposed by such court as set forth under Article XIV, of this Resolution.
- e. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures that are available to the township under the applicable provisions of the Zoning Resolution.

The Township shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the Zoning Resolution.

All such remedies provided herein shall be cumulative. To the extent that the state law may limit the availability of a particular remedy, set forth above, for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

Section 7.28 Storm Water Management

Any person proposing to develop land for a minor or major subdivision, business, industrial, public or quasi-public use shall be required to submit a storm water management plan for review and approval by the Knox County Engineer prior to receiving a zoning certificate.

1. General Standards

The following standards shall apply to all storm water management projects:

- (a) Each development shall include storm water management facilities sufficient to maintain pre-development peak discharge rates across adjacent property lines. The storm water management facility requirement may be waived by the Board of

Zoning Appeals where a suitable means of flow into a downstream discharge point is accessible; or where the applicant provides a drainage system proposal with adequate capacity to carry site flows to an ultimate downstream discharge point.

- (b) No development shall be undertaken that can be shown to appreciably increase the flood potential within the development, or on adjacent surrounding lands or in an existing flood plain protection zones identified by the Federal Emergency Management Agency (FEMA), and administered by the Knox County Planning Commission. The Knox County Engineer shall make the final determination of potential flooding.
- (c) All drainage plans and calculations shall be prepared by a professional engineer, licensed in the State of Ohio.
- (d) Standards for Impervious Surface Coverage

Impervious surfaces shall include, but not be limited to any or all of the following which do not allow for the infiltration of rainfall:

- (1) Roofed areas of any type
- (2) Conventionally paved parking and loading/unloading areas
- (3) Roads
- (4) Paved driveways
- (5) Sidewalks, hard surfaced bike and pedestrian walkways
- (6) Permanent on-site water surface areas for purposes of site hydrologic Calculations

- (e) Drainage Design Standards

- (1) The twenty-five (25) year frequency storm shall be used in the design of all drainage systems and detention structures.
- (2) All applications for development shall provide for on-site retention (dry or wet), or percolation of storm water sufficient to maintain pre-development twentyfive (25) year frequency calculations after development has occurred.

The site shall be the total area of the development, and shall have perpetual cross easements for drainage purposes, in accordance with runoff coefficients or other methods acceptable to the Knox County Engineer.

- (3) Applicants for development shall provide for on-site detention (dry or wet) or percolation areas for, as a minimum, one inch (1") of runoff from on site impervious surfaces. The one-inch (1") of runoff from all such impervious surfaces shall be dissipated by percolation into the soil, or evaporation or other methods of treatment acceptable to the Knox County Engineer.
- (4) Detention basins (dry or wet) or percolation areas may use on-site or off-site areas, providing that the applicant seeking off-site relief will provide evidence of an assigned drainage easement, shall bear the total costs of such improvements and obtain approval of the Knox County Engineer that such improvements are satisfactorily designed to cause no undue hardship to adjoining property owners using the same drainage course, on-site, downstream or upstream. If off-site retention is used, the applicant shall provide appropriate legal documents to ensure that off-site retention areas and the cross easements associated with retention areas are properly and perpetually maintained.
- (5) Detention basins may be used to retain and detain the increased and accelerated runoff generated by the development. Water shall be released from detention ponds into drainage courses at a rate, in terms of peak flow, not exceed predevelopment conditions for twenty-five year storm of twenty-four (24) hour duration. The purpose for limiting the discharge rate from detention ponds is to prevent discharge rates that exceed the design capacity of downstream drainage facilities.
- (6) Detention structures shall be designed with irregular shaped shorelines to increase the length of the shoreline, thus offering more space for the growth of littoral vegetation for filtering purposes.
- (7) Detention basins shall be designed to provide at least one-half (1/2) foot of vertical detention storage volume for surface water runoff above the proposed dry weather water level design elevation. Innovative pipe outlet structures are encouraged as a way of reproducing pre-development runoff conditions. Design data for storage volume and detention outlet requirements shall be submitted to

and approved by the Knox County Engineer prior to approval of a development plan.

(f) Soil Stabilization

- (1) Permanent soil stabilization shall be installed on denuded areas within (7) days after final grade is reached on any portion of the site. Application practices include seeding or sodding, mulching and early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of the year, site conditions and estimated length of use. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not considered established until a ground cover is achieved that is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.
- (2) Temporary soil stabilization shall be required on any denuded areas that will remain idle (not be re-graded) for longer than thirty (30) days, unless as extension is granted by the Township Zoning Inspector. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN (7) DAYS AFTER ROUGH GRADING.
- (3) Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.
- (4) Where five (5) acres or more of development area are disturbed in one watershed, storm water runoff from that watershed shall pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. The Zoning Inspector may require sediment basins or traps for smaller disturbed areas where deemed necessary. The sediment basin requirement may also be waived by variance,. If the County Engineer agrees that the site conditions do not warrant its construction. Unless otherwise designed, sediment basins or traps are temporary and shall be removed following final stabilization of the site.

Section 7.29 Temporary Uses

A Temporary Use Certificate shall be issued by the Township Zoning Inspector for the following:

1. A mobile home may be used as temporary living quarters to safeguard the premises while building a new home or reconstructing a home following a natural disaster or fire, subject to the following conditions:
 - a. Such temporary quarters shall require a health permit from the Knox County Health Department for sewer and water well systems.
 - b. The temporary permit shall be for a six (6) month period, renewable for one (1) additional six (6) month period.

Section 7.30 Zoning of Vacated Areas

Whenever any street, alley or other public right-of-way within Hilliar Township is vacated by action of the Knox County Commissioners, such lands formerly within such vacated street, alley or public way shall automatically be applicable to the same district designations permitted under this Resolution for such adjoining lands.

Section 7.31 Flag Shaped Lot

Flag shaped lots shall provide at least sixty feet (60') of frontage on a street. No more than two (2) contiguous flag shaped lots shall be created. All flag shaped lots shall meet the turn out provisions set forth under Section 4.05, Subsection 6, supplementary regulations. Common access drives serving flag shaped lots shall be required to meet the State Fire Marshall requirements. No buildings or structures shall be erected on the "pole" easement portion of any flag shaped lot. The "pole" easement refers to standard building regulations.

Section 7.32 Alternative Energy Zoning Regulations

It is the purpose of this regulation to promote the safe, effective, efficient, and aesthetic construction and use of alternative energy systems to reduce the on-site consumption of utility-supplied energy.

1. Private Use Wind Energy Systems

- a. No person shall begin construction on or erect a wind energy system without first having obtained a zoning permit from the zoning inspector. Fees collected regarding this permit shall be set in accordance with the Filing Fees Section of the current Zoning Resolution.
- b. In addition to this regulation, the permit applicant shall also be subject to all applicable local, county, state and federal regulations and restrictions.
- c. Site Plan requirements shall include, but not limited to:
 - (1) Property lines and physical dimensions of the site.
 - (2) Location of wind turbine, guy wires, setbacks from property lines, above-ground and below ground utilities, right of ways, easements, structures on the property, and location of sewage treatment systems.
 - (3) Location, size, and type of required signage.

- (4) Elevation of the proposed wind turbine tower height.

VII-34

- (5) Manufacturer's specifications, including make, model, and picture.
 - (6) Legible scaled drawing of site and location of wind turbine tower, recommended scale of $1/8" = 1'$.
- d. Private use wind energy systems shall be installed, operated and maintained per the manufacturers' instructions, including compliance with all local, state and federal regulations regarding storage and disposal of the batteries and other hazardous materials.
- e. Private use wind energy systems shall meet the following requirements:
- (1) Primary purpose shall be to provide energy for the principal and accessory uses of the property and not for the generation of energy for profit.
 - (2) Minimum setback from all property lines, road right of ways, utility transmission or distribution lines and any structures not owned by the property owner shall be no less than 125 percent of the wind turbine tower height including any anchor point or guy wires. This provision will remain in full effect regardless of future subdivision of the property.
 - (3) No variance shall be issued for the placement of a wind energy system that reduces the minimum setback below the required 125 percent of the wind turbine tower height.
 - (4) Minimum height shall be 12 feet from ground level to the lowest point of the rotating blade or rotor system.
 - (5) Blade color shall be white, beige or light gray.
 - (6) Illumination of the wind energy system is not permitted unless required by other governmental authorities and only in accordance with their standards.
 - (7) The wind turbine tower shall have one of the following safety devices to limit access:
 - a) Wind turbine tower climbing apparatus located no closer than 12 feet to the ground at the base of the structure.
 - b) A locked anti-climb device installed on the wind turbine tower; or

- c) Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.

VII-35

- (8) A sign shall be posted at the base of the wind turbine tower warning of electrical shock or high voltage.
 - (9) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
 - (10) Noise levels must comply with the Public Nuisances section of the current Zoning Resolution.
- f. Decommissioning and Restoration: Any private use wind energy system which has reached the end of its useful life, has been abandoned or is in disrepair shall be repaired or removed. The owner has the responsibility to repair or remove the private use wind energy system within one year of the date it becomes inoperable.

2. Private Use Solar Energy Systems

- a. No person shall begin construction on or erect a solar energy system without first having obtained a zoning permit from the zoning inspector. Fees collected regarding this permit shall be set in accordance with the Filing Fees Section of the current Zoning Resolution.
- b. In addition to this regulation, the permit applicant shall also be subject to all applicable local, county, state and federal regulations and restrictions.
- c. Site Plan requirements shall include, but not limited to:
 - (1) Property lines and physical dimensions of the site.
 - (2) Location of solar energy system, setbacks from property lines, above-ground and under-ground utility lines, right of ways, easements, structures on the property and location of sewage treatment systems.
 - (3) Location size and type of required signage.
 - (4) Elevation of the proposed solar energy system.
 - (5) Location of trees within a 100-ft. radius of the proposed system.

- (6) Manufacturer's specifications, including make, model and picture.
- (7) Legible scaled drawing of site and location of solar collection system and accessory components, recommended scale of $1/8'' = 1'$.

- d. Private use solar energy systems shall be installed, operated, and maintained per the manufacturer's instructions, including compliance with all local, state and federal regulations regarding storage and disposal of the batteries and other hazardous materials.
- e. Private use solar energy systems shall meet the following requirements:
 - (1) Primary purpose shall be to provide energy for the principal and accessory uses of the property and not for the generation of energy for profit.
 - (2) Minimum setback from all property lines shall comply with setback requirements of the zoning district in which the solar energy system will be located.
 - (3) Freestanding solar panels shall only be permitted in the rear and side yards as defined in the Hilliar Township Zoning Resolution.
 - (4) Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height.
 - (5) The total coverage of a lot with solar energy collection systems cannot exceed 25% of the lot size.
 - (6) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the zoning district in which they are located.
- f. Decommissioning and Restoration: Any private use solar energy system which has reached the end of its useful life, has been abandoned or is in disrepair shall be repaired or removed. The owner has the responsibility to repair or remove the solar energy system within one year of the date it becomes inoperable.

Section 7.33 Commercial Alternative Energy Zoning Regulations

It is the purpose of this regulation to promote the safe, effective, efficient, and aesthetic construction and use of alternative energy systems to be interconnected with utility-supplied energy.

1. Commercial Distribution Wind Energy Systems

- a. No person or business shall begin construction on or erect a wind energy system without first having obtained a zoning permit from the Zoning Inspector. Fees collected regarding this permit shall be set in accordance with the Filing Fees Section of the current Zoning Resolution.
- b. In addition to this regulation, the permit applicant shall also be subject to all applicable local, county, state and federal regulations and restrictions.
- c. Utility Notification – No grid-intertie wind energy system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
- d. Site Plan requirements shall include, but not limited to:
 - (1) Property lines and physical dimensions of the site.
 - (2) Location of wind turbine tower(s), guy wires, setbacks from property lines, aboveground and under-ground utility lines, right of ways, easements, structures on the property and location of sewage treatment systems.
 - (3) Location, size, and type of required signage.
 - (4) Elevation of the proposed wind turbine tower(s) height.
 - (5) Manufacturer's specifications, including make, model, and picture.
 - (6) Legible scaled drawing of site and location of wind turbine tower(s), recommended scale of 1/8" = 1'.
- e. Commercial distribution wind energy systems shall be installed, operated and maintained per the manufacturers' instructions, including compliance with all local, state and federal regulations regarding storage and disposal of the batteries and other hazardous materials.
- f. Commercial distribution wind energy systems shall meet the following requirements:
 - (1) The purpose shall be to provide for the generation of energy for profit and to provide energy for the principal and accessory uses of the property.
 - (2) Minimum setback from all property lines, road right of ways, utility transmission or distribution lines and any structures not owned by the property owner shall be

no less than 125 percent of the wind turbine tower height including any anchor point or guy wires. This provision will remain in full effect regardless of future subdivision of the property.

- (3) No variance shall be issued for the placement of a wind energy system that reduces the minimum setback below the required 125 percent of the wind turbine tower height.
 - (4) Minimum height shall be 12 feet from ground level to the lowest point of the rotating blade or rotor system.
 - (5) Blade color shall be white, beige or light gray.
 - (6) Illumination of the wind energy system is not permitted unless required by other governmental authorities and only in accordance with their standards.
 - (7) The wind turbine tower(s) shall have one of the following safety devices to limit access:
 - a) Wind turbine tower climbing apparatus located no closer than 12 feet to the ground at the base of the structure.
 - b) A locked anti-climb device installed on the wind turbine tower; or
 - c) Shall be completely enclosed with a locked fence at least six feet in height to prevent uncontrolled access from unauthorized personnel.
 - (8) A sign shall be posted at the base of the wind turbine tower warning of electrical shock or high voltage.
 - (9) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
 - (10) Noise levels must comply with the Public Nuisances section of the current Zoning Resolution.
- g. Decommissioning and Restoration: Any commercial distribution wind energy system which has reached the end of its useful life, has been abandoned or is in disrepair shall be repaired or removed. The owner or operator has the responsibility to repair or remove the commercial distribution wind energy system within one year of the date it becomes inoperable.

2. Commercial Distribution Solar Energy Systems

- a. No person or business shall begin construction on or erect a solar energy system without first having obtained a zoning permit from the Zoning Inspector. Fees collected regarding this permit shall be set in accordance with the Filing Fees Section of the current Zoning Resolution.
- b. In addition to this regulation, the permit applicant shall also be subject to all applicable local, county, state and federal regulations and restrictions.

- c. Utility Notification – No grid-intertie solar energy system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator.
- d. Site Plan requirements shall include, but not limited to:
 - (1) Property lines and physical dimensions of the site.
 - (2) Location of solar energy system, setbacks from property lines, above-ground and under-ground utility lines, right of ways, easements, structures on the property, and location of sewage treatment systems.
 - (3) Location size and type of required signage.
 - (4) Elevation of the proposed solar energy system.
 - (5) Location of trees within a 100-ft. radius of the proposed system.
 - (6) Manufacturer's specifications, including make, model, and picture.
 - (7) Legible scaled drawing of site and location of solar collection system and accessory components, recommended scale of $1/8'' = 1'$.
 - (8) Documentation of the major system components to be used, including panels, mounting system, and inverter.
 - (9) Name, address, and contact information for proposed system installer.
 - (10) Name, address, phone number, and signature of the project proponent, as well as co-proponents or property owners, if any.
 - (11) Name, address, and contact information and signature of any agents representing the project proponent.
- e. Commercial distribution solar energy systems shall be installed, operated, and maintained per the manufacturer's instructions, including compliance with all local, state and federal regulations regarding storage and disposal of the batteries and other hazardous materials.
- f. Commercial distribution solar energy systems shall meet the following requirements:
 - (1) Primary purpose shall be to provide energy for the generation of energy for profit and not to provide energy for the principal and accessory uses of the property.

VII-40

- (2) Utility Connections – Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar energy system installation underground, depending on appropriate soil conditions, shape, and topography of the site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 - (3) Safety – The solar energy owner or operator shall provide a copy of the Site Plan Review application to the local fire chief. All means of shutting down the solar energy system installation shall be clearly marked.
 - (4) Minimum setback from all property lines shall comply with setback requirements of the zoning district in which the solar energy system will be located.
 - (5) Freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height.
 - (6) The total coverage of a lot with solar energy collection systems cannot exceed 50% of the lot size.
 - (7) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the zoning district in which they are located.
- g. Decommissioning and Restoration: Any commercial distribution solar energy system which has reached the end of its useful life, has been abandoned or is in disrepair shall be repaired or removed. The owner or operator has the responsibility to repair or remove the solar energy system within one year of the date it becomes inoperable.

ARTICLE VIII**USE, AREA AND HEIGHT EXCEPTIONS**

The regulations in this Resolution shall be subject to the following interpretations and exceptions:

Section 8.01 Access Through Yards

For the purposes of this Resolution, access drives may be placed in the required front and side yards so as to provide access to dwelling units or attached or detached accessory structures. Access drives shall not be considered as structural violations in front or side yards.

Any sidewalk, terrace, patio or other pavement serving a like function, and not in excess of nine inches (9") above the finished grade of the lot, shall not be considered to be a structure, and shall be permitted in any required yard.

Section 8.02 Agriculture Permitted in Any District

This Resolution confers no power on the Board of Township Trustees, Zoning Commission or Board of Zoning Appeals, except as provided in Chapter 519 of the Ohio Revised Code, to prohibit the use of any 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, and no zoning certificate shall be required for any such building or structure.

Section 8.03 Basement Living Quarters Prohibited

The basement of any dwelling unit shall not be used as the primary living quarters for a family or individual.

Section 8.04 Construction

Nothing in this Resolution shall be deemed to require any change in plans, construction or the designated use of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, and upon which actual construction has been diligently carried

on. However, such building shall be completed within one (1) year from the date of passage of this Resolution.

VIII-1

Section 8.05 Dwelling Quarters in Non-Residential Districts

Within the GB General Business District sleeping quarters for night watchman or caretakers may be permitted, providing such living quarters are made a part and are attached as a part of the main building or structure.

Section 8.06 Essential Public Utilities

The provisions of this Resolution shall not apply to public utilities except where express authority has been conferred by the Ohio Revised Code on the Board of Township Trustees or the Board of Zoning Appeals in which case the entire Zoning Resolution shall apply where applicable.

Section 8.07 Height Limitations Exempt from Regulation

The height limitations of this Resolution shall not apply to farm buildings, chimneys, church spires, flag poles, radio and telecommunication towers or public monuments; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Section 8.08 Land Uses Exempt from Regulation

The provisions of this Resolution shall apply to all land and every structure and every use of land or structure except agriculture, railroads, public utilities and area and height requirements as specifically exempted by law in accordance with the provisions of Section 8.07, of this Resolution.

Section 8.09 Lots of Record

Any lot existing and of record at the effective date of adoption of this Resolution may be used for any use permitted in the district where such lot is located. However, such lot may not be used

for any conditionally permitted use in the district where such lot is located for which special lot area requirements are specified in this Resolution.

Section 8.10 Projections into Yards

1. Open and uncovered porches or paved terraces may project not more than ten feet (10') within the minimum front yard setback.
2. Architectural features, may extend or project not more than four feet (4') into any required front, side or rear yard.

VIII-2

3. Accessory buildings may project not more than twenty feet (20') into any required rear yard.

Section 8.11 Railroad Rights-of-Way

For the purposes of this Resolution, railroad rights-of-way shall be permitted as authorized and regulated by State and Federal laws, it being the intent of this section to exempt railroad rights-of-way from the strict application of this Resolution. Buildings and structures constructed within railroad rights-of-way shall comply with the use, area and height regulations of the zoning district in which they are located.

Section 8.12 Side Yard Regulations

For the purposes of determining side yard regulations, a one family attached dwelling unit, two family dwelling unit or multiple family dwelling unit shall be considered as one (1) building occupying one (1) lot. When more than one (1) building used for multiple family purposes is located on one (1) lot, the side-yard requirement established for each district shall still apply pertaining to the distance between buildings.

Section 8.13 Voting Place

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with any municipal or other election.

VIII-3

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 9.01 Enforcement

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or such other official or officials as may be appointed by the Board of Township Trustees.

Section 9.02 Duties of the Zoning Inspector

1. Creation and Appointment

There is hereby created the position of Zoning Inspector for Hilliar Township, Ohio. The Board of Township Trustees shall appoint the Zoning Inspector. The Zoning Inspector shall be paid such compensation as the board of Township Trustees shall direct.

2. Powers and Duties of the Zoning Inspector

The Zoning Inspector shall have the following powers and duties:

- a. Make inspections of premises and buildings necessary in carrying out his/her duties in compliance with the provisions of this Resolution.

- b. Issue zoning permits for one-family detached, two-family dwelling units, multiple family dwellings, business, office and industrial uses and accessory uses, provided the proposed use is permitted under the Zoning Resolution, and the applicant has paid the appropriate fee.
- c. Issue sign permits provided the proposed sign has been constructed and installed in accordance with the sign regulations, and the applicant has paid the proper fee.
- d. Issue conditional zoning certificates after approval by the Board of Zoning Appeals, and the applicant has paid the proper fee.
- e. Issue variance permits after approval by the Board of Zoning Appeals.
- f. Investigate alleged violations of the Zoning Resolution.

- g. Attend all regular and special meetings of the Zoning Commission and the Board of Zoning Appeals and all regular meetings of Board of Township Trustees and such other meetings as the Board of Township Trustees shall direct.
- h. Keep records of all activities of his office and to report annually at the first meeting of the Board of Township Trustees in February as to the various classes of permits issued during the preceding year.
- i. Maintain regular office hours for the issuance of permits.
- j. Determine if all construction has occurred in compliance with the provisions of any zoning permit, conditional use permit or variance issued.
- k. Perform such other duties as the Board of Township Trustees directs with respect to the enforcement of the Zoning Resolution.
- l. Maintain the Official Zoning Districts Map of the Township and make all changes to the boundaries of zoning districts and overlay districts immediately after their approval by the Board of Township Trustees.

Section 9.03 Zoning Certificates

- 1. No vacant land shall hereafter be used or an existing use of land hereafter be changed to a use of a different class or type unless a zoning permit or conditional zoning permit is first obtained for the new and different use.
- 2. No building or structure, or part thereof, shall be changed or occupied by a use of a different class or type unless a zoning permit is first obtained for the new and different use.
- 3. No zoning certificate will be granted by the Zoning Inspector for the use, erection or alteration of any building or structure or part thereof, which is not in accordance with all of the provisions of this Resolution.

Any person failing to obtain an zoning certificate prior to the use, erection or alteration of any building or structure shall be assessed a compliance charge equal to twice the amount of the fee adopted for a zoning certificate by the Board of Township Trustees.

Section 9.04 Application Procedure for a Zoning Certificate

1. Required Documentation

a. RC Rural Conservation and GB General Business Districts

The request for approval of a zoning certificate for any building or use in all zoning districts except MHP Manufactured Home Park District, shall include the following information:

- (1) One (1) copy of an application containing the following information:
 - (a) Name, address and telephone number of the applicant;
 - (b) A statement of the reasons for the proposed amendment;
 - (c) A description of what the land is presently being used for;
 - (d) Existing Zoning; and,
 - (e) Proposed zoning; and,
 - (f) The name and address of the property owners bordering onto or located directly across the road from the lot proposed to be rezoned.
- (2) One (1) copy of a site plan or plot plan showing the following:
 - (a) The dimensions of the lot (i.e. lot width and lot depth);
 - (b) Required front, side and rear yard setback building lines with dimensions shown;
 - (c) Location of all buildings and other structures on the lot; (d) Total square feet of gross floor area; and, (e) Height of all buildings.
 - (f) The location and area dimensions of any sign, where applicable.
- (3) Any other information required to assist the appropriate reviewing authorities in conducting an adequate review of the proposed development.

b. MHP Manufactured Home Park Districts

The request for approval of a zoning certificate for any building or use MHP Manufactured Home Park District, shall include the following information:

(1) One (1) copy of an application containing the following information:

- (a) Name, address and telephone number of the applicant;
- (b) A statement of the reasons for the proposed amendment;
- (c) A description of what the land is presently being used for;
- (d) Existing Zoning; and,
- (e) The name and address of the property owners bordering onto or located directly across the road from the lot proposed to be rezoned.

(2) Three (3) copies of a development plan prepared according to the requirements set forth in Article VII, Section 7.08, of this Resolution; and,

(3) Any other information required to assist the appropriate reviewing authorities in conducting an adequate review of the proposed development.

3. Review of Application

The Zoning Inspector shall review the application for a zoning certificate, development plan, and other applicable materials to determine conformance with the applicable zoning district regulations.

4. Issuance of Zoning Certificate

Within thirty (30) days after receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and is accompanied by a proper filing fee, or submit the application to the appropriate reviewing authorities, where applicable.

If such permit is refused for cause, the applicant shall be notified of such refusal and cause within the thirty (30) day review period.

Each application shall clearly state that unless construction is started within a two (2) year period from the date of issuance, or completed within two (2) years, the zoning certificate shall be declared null and void.

Section 9.05 Filing Fees

The Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use certificates, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the Hilliar Township Hall and the office of the Zoning Inspector, and may be amended only by action of the Board of Township Trustees. Until all applicable fees, charges and expenses have been paid in full no action shall be taken on any application or appeal.

When the Township Zoning Commission or the Township Board of Zoning Appeals deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

All fees shall be paid to at the time the application or other permit is requested.

Fees for the inspection and the issuance of zoning permits or conditional use certificates or copies thereof required or issued under the provisions of this Resolution shall be collected by the Zoning Inspector in advance of issuance.

No application for a zoning certificate, conditional zoning certificate, variance, appeal or application for a rezoning or amendment to the provisions of this Resolution shall be accepted unless the applicant shall pay the filing fees established in Resolution form by the Board of Township Trustees.

ARTICLE
X
COMMISSION
TOWNSHIP ZONING

Section 10.01 Authority, Composition and Appointment

A Township Zoning Commission is hereby established which shall perform its duties and exercise its powers as provided under Section 519.04 of the Ohio Revised Code as amended, and in such a way that the objectives of this Resolution shall be observed.

The Township Zoning Commission shall be composed of five (5) members who shall reside in the unincorporated area of the township appointed by the Board of Township Trustees. The Board of Township Trustees shall select the five (5) members on the merits of their records of civic, business or professional leadership, and who shall not be members of the Board of Zoning Appeals.

Each member shall be appointed for such length and so arranged that the term of one (1) member will expire each year. The members of the Zoning Commission may be compensated.

The Board of Township Trustees may appoint two (2) alternate members to the Zoning Commission, for terms determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to the procedures prescribed by Resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The Zoning Commission shall, within the limits of the money appropriated for it, purchase supplies and equipment as it finds necessary to carry out its duties.

Section 10.02 Vacancies and Removal

Each member of the Zoning Commission shall serve until his/her successor is appointed and qualified. In the event of the death or resignation of a member of the Zoning Commission, the Board of Township Trustees shall appoint another resident for the unexpired term.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail or by leaving a copy at his/her usual place of residence.

The member shall be given an opportunity to be heard and answer such charges.

X-1

Section 10.03 Organization and Proceedings

The Zoning Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Resolution. The Zoning Commission shall elect a chairman and vicechairman from among its members and shall prescribe rules for its proceedings.

Section 10.04 Quorum

At least three (3) members must be in attendance at any meeting of the Commission before any official business can be conducted. A concurring vote of three (3) members shall be necessary to affect an order.

The unexcused absence of any member of the Zoning Commission from three (3) consecutive regular monthly meetings or establishing a residence outside of Hilliar Township shall constitute resignation from the Zoning Commission.

Section 10.05 Meetings

The Zoning Commission shall meet monthly or at the call of its Chairman or the Vice Chairman acting in the capacity of Chairman, or by the call of two (2) other members of the Zoning Commission. Meetings shall be held at the call of the chairman and at such other times as the Zoning Commission may determine.

The Zoning Commission shall keep minutes of its meetings showing the vote of each member on all motions before the Commission and shall file and record its proceedings in the Township Clerk's office as a matter of public record. All meetings shall be open to the public.

Section 10.06 Powers and Duties

The Zoning Commission shall have the following duties:

1. Act on all rezone requests to the Official Zoning Districts Map and amendments to the Zoning Resolution submitted to the Zoning Commission. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Board of Township Trustees following the amendment procedures set forth in Section 519.12 of the Ohio Revised Code.
2. Review from time to time any provision(s) of this Resolution and shall recommend to the Board of Township Trustees such changes as it deems necessary in order to promote the

intent of this Resolution according to the procedures set forth in Section 519.12 of the Ohio Revised Code.

X-2

3. Act upon all amendments submitted to the Zoning Commission by the Board of Township Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Board of Township Trustees according to the amendment procedures set forth in Section 519.12 of the Ohio Revised Code.

Section 10.07 Amendments

The amendment procedures shall comply with the provisions of 519.12 of the Ohio Revised Code.

Township Zoning Amendment Procedure

Step 1

Initiation of an Amendment by:

- **Motion of the Zoning Commission.**
- **Resolution by the Board of Township Trustees.**
- **Filing of an application by one or more property owners.**

Step II

Zoning Commission schedules Public Hearing on proposed amendment. The Hearing notice is to be published in one or more newspapers at least 10 days prior to the Hearing. The rezone of 10 or less parcels also requires the Zoning Commission to give written notice by first class mail, 10 days before the date of the Public Hearing.

Step III

Copy of proposed amendment submitted to Knox County Regional Planning Commission for review and recommendation.

Step IV

Zoning Commission holds Public Hearing. Within 30 days following the date of the Hearing, Zoning Commission approves or denies proposed amendment.

Step V

Recommendation of Zoning Commission forwarded to Board of Township Trustees.

Step VI

Board of Township Trustees schedule Public Hearing. The rezone of 10 or less parcels requires the publishing of a notice in the paper as that employed in the first Public Hearing before the Zoning Commission.

Step VII

Within 20 days following the date of the Public Hearing, the Board of Township Trustees approve or deny the recommendations of the Zoning Commission.

X-4

ARTICLE XI

BOARD OF ZONING APPEALS

Section 11.01 Creation and Membership

A Board of Zoning Appeals is hereby established which shall perform its duties and exercise its powers as provided under Section 519.13 of the Ohio Revised Code as amended, and in such a way that the objectives of this Resolution shall be observed, public safety secured, and substantial justice done.

The Board of Zoning Appeals shall be composed of five (5) members who shall be residents of the unincorporated territory of Hilliar Township.

The Board of Township Trustees may appoint two (2) alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Board of Township Trustees. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The terms of all regular members shall be for five (5) years and shall be so arranged that the term of one (1) member shall expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Vacancies for any reason shall be filled by the Board of Township Trustees for the unexpired portion of the term. Unless excused by the Board of Township Trustees, any appointed member may be removed by the Board of Township Trustees without further cause for failure to attend three (3) consecutive meetings in the same manner as provided by Section 519.04 of the Ohio Revised Code. Members of the Board of Zoning Appeals shall be compensated.

Section 11.02 Organization

The Board of Zoning Appeals shall elect a chairman and vice-chairman and shall prescribe rules for its proceedings in accordance with Section 11.03 and Section 11.04 for the conduct of its affairs.

Section 11.03 Minutes

The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon questions, or if absent or failing to vote, it shall indicate such fact, and file and record its proceedings in the Hilliar Township Hall, and the same shall be a public record.

XI-1

Section 11.04 Meetings

The Board of Zoning Appeals shall meet upon the call of the chairman or two (2) other members; and at such other times as specified in the Board's rule of procedure. All hearings held by the Board shall be open to the public. The Board shall require a quorum of three (3) members at all of its meetings, and the concurring vote of at least three (3) members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of an application on any matter upon which the Board is required to pass or to effect any variation in the Zoning Resolution.

Section 11.05 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

1. Administrative Review

To hear and decide on all appeals as set forth in Article XI, Section 11.06, of this Resolution, where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector in carrying out or enforcing any provision of this Resolution.

2. Variance

To authorize upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

No variance shall be granted by the Board of Zoning Appeals with regard to permitted use and density provisions. Any modification of permitted use and density requirements may be accomplished only through a rezone amendment of the property in question or an amendment to the applicable permitted use and density provisions of the district regulations cited in Article IV of this Resolution.

3. Conditional Zoning Certificates

To grant conditional zoning certificates for the use of land, buildings or other structures within a zoning district if such conditional zoning certificates for specific uses are not provided for in this Resolution.

XI-2

4. Special Exceptions

To hear and decide in accordance with the provisions of this Resolution, requests for exceptions or interpretations of the Zoning District Map. Any exception or special approval shall be subject to such conditions as the Board of Zoning Appeals may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Resolution. The Board shall also interpret the provisions of this Resolution in such a way as to carry out the intent and purpose of the Resolution as shown upon the Official Zoning Districts Map, accompanying and made a part of this Resolution, where the street layout or flood plain designation that actually exists on the ground varies from the street layout or flood plain designations shown on the map.

Section 11.06 Appeals

Appeals to the Board of Zoning Appeals may be taken by any person, firm, corporation, deeming itself to be adversely affected by the decision of the Zoning Inspector regarding the interpretation of this Resolution. All appeals shall be initiated by filing with the Zoning Inspector, a written appeal on a form provided within thirty (30) calendar days of the decision appealed.

An appeal filed with the Zoning Inspector shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer, whose decision is being appealed, certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the zoning certificate or conditional zoning certificate, a stay would, in his opinion, cause imminent peril to life or property. Within its powers the Board may reverse or affirm, wholly

or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers and bodies from whom the appeal was taken and it may issue or direct the issuance of a certificate.

Section 11.07 Public Hearing Procedure

All appeals and applications for a variance made to the Board of Zoning Appeals shall be filed with the Zoning Inspector. Every appeal or application for a variance shall refer to the specified provision of the Zoning Resolution involved and shall exactly set forth the interpretation that is claimed, the use for which the certificate is sought or the details of the appeal, and the grounds on which it should be granted. Each and every decision made by the Board shall be by Resolution and shall contain a full record of the findings of the Board in the particular case.

XI-3

2. When a notice of appeal has been filed in the proper form, the Board of Zoning Appeals shall place the request for appeal upon the calendar for a hearing within thirty (30) days from the date the decision appealed was filed with the Zoning Inspector. The Board of Zoning Appeals shall issue notices by letter, stating the time, place, date and purpose of the hearing to the parties making the request for appeal at least fifteen (15) days prior to the date of the scheduled hearing, to the owners of all properties bordering and abutting onto the land which is the subject of the appeal. The Board may recess hearing(s) from time to time, and if the time and place of the continued hearing are publicly announced at the time of adjournment, no further notice will be required.
3. At public hearings on appeals and applications for variance the testimony shall be received under oath or affirmation; a verbatim record of the proceedings shall be kept; and the applicant shall be allowed upon application and deposit of fees to the issuance of subpoenas for the attendance of witnesses. All testimony shall be subject to cross-examination.

The Board of Zoning Appeals shall act on the appeal within a reasonable time after the conclusion of hearing proceedings and advise the applicant in writing thereof.

Section 11.08 Fees

All requests before the Board of Zoning Appeals shall be accompanied by a fee according to the schedule of fees established and approved by the Board of Township Trustees of Hilliar Township.

XI-4

ARTICLE XII

RELATIONSHIP TO OTHER LEGISLATION

The provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. This Resolution is intended to be comprehensive legislation with respect to the use and regulation of land in Hilliar Township. It is intended to repeal and supersede all prior Zoning Resolutions only, and shall not be deemed to repeal any Resolutions or Rules of Hilliar Township presently in effect. In the event of any inconsistency between this Resolution, and any existing Resolution or Rule, this Resolution shall prevail.

XII-1

ARTICLE XIII

VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, zoning classification or any permitted uses therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and morals of Hilliar Township.

XIII-1

ARTICLE XIV

ENFORCEMENT, PENALTIES AND ADDITIONAL REMEDIES

Section 14.01 Violations

1. No person shall build or remodel any structure so as to change its exterior dimensions, including the building or remodeling of accessory buildings or change any use of a structure or change the use of land within Hilliar Township without first obtaining a Zoning Certificate or Conditional Zoning Certificate as required by this Resolution. No person shall fail to comply with all terms and conditions of any Zoning Certificate or Conditional Zoning Certificate issued hereunder.

Any person who commences any building, remodeling or change in the use of any structure or land without first obtaining the appropriate type of zoning certificate under this Resolution, shall upon discovery be given a written notice by the Zoning Inspector to apply for the appropriate zoning certificate or cease the violation of such provision within seven (7) days.

Section 14.02 Inspection

The Zoning Inspector shall inspect each alleged violation, and shall in writing order correction of all conditions that are found to be in violation of this Resolution.

Section 14.03 Correction Period

All violations shall be corrected within ten (10) days after the written order is issued or for a longer period of time as approved by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be reported to the Township Trustees who shall initiate prosecution, injunction or other appropriate proceedings.

XIV-1

Section 14.04 Penalties

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, engineer, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction shall be assessed the fined of not more than one hundred dollars (\$100.00).

Section 14.05 Additional Remedies

1. Any landowner that may be particularly damaged by any violation of this Resolution may proceed by way of injunction, declaratory relief or other appropriate remedy against the violator to abate or prevent the violation. The failure of the Township to commence such proceedings shall not preclude such landowner from commencing such action. Demand upon the Township or the County Prosecutor shall not be required as a prerequisite to the commencement of such action nor shall the Township be a necessary part thereto.
2. In any action whether criminal or civil brought in respect to this Resolution, either the landowner or the person or corporation actually violating this Resolution shall be a proper party defendant.

Section 14.06 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 14.07 Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

XIV-2

ARTICLE XV

VALIDITY AND SEVERABILITY CLAUSE

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

XV-1

ARTICLE XVI

EFFECTIVE DATE

This Resolution shall be in full force and take effect and be in full force and effect from and after the earliest date allowed by law.

Adopted by the Board of Trustees of Hilliar Township, Knox County, Ohio, on this 18th day of June, 2012

1. Date of Public Hearing by Zoning Commission _____,
2. Date of Publication _____,
3. Date of Public Hearing by Board of Township Trustees June 18, 2012
4. Date of Adoption by Board of Township Trustees June 18, 2012
5. Date and Time Resolution shall take effect July 18, 2012

Township Trustee

Township Trustee

Township Trustee

Attest by Fiscal Officer:

Fiscal Officer

Addendum

Section 4.10 Planned Unit Development (PUD) District

1. Purpose

- a. The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of land areas to permit uses and intensities of development which would prevent adverse impact in other zoning districts. The PUD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage development which possess greater amenities than that resulting under standard zoning district requirements.
- b. It is not the intent of the PUD regulations to allow applicants to circumvent the intent of the Hilliar Township Zoning Resolution to permit residential density, housing types, commercial or industrial uses, or street and utility layouts that conflict with the comprehensive land use plan or the rural character of the township.
- c. It is furthermore the purpose of the PUD regulations to:
 - 1) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality and rural character of Hilliar Township.
 - 2) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible.
 - 3) Provide for appropriate, adequate, and usable open space within a proposed PUD.
 - 4) Ensure that there are adequate services and infrastructure to serve the proposed development and not decrease the services or infrastructure for existing uses.
 - 5) Promote a harmonious design among the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

2. Scope and Applicability

- a. The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of

any PUD project or plan shall be five (5) acres. PUD proposals shall not be applied to small areas as a means of bypassing traditional district regulations.

- b. The Zoning Inspector may authorize an application for a PUD smaller than five (5) acres if the applicant demonstrates that the proposed development is of such a mixture of uses and such a development intensity, not otherwise allowed in the standard zoning districts as specified in the Hilliar Township Zoning Resolution, but that is in line with the comprehensive land use plan that such development warrants a special review by the township.

3. PUD Development/Submission Procedure

- a. In order to submit an application for PUD review, the parcel(s) included in the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by owners of all properties included within the proposal.

- b. Basic PUD Submission Information and Procedure

- 1) All applications for a PUD shall include an application for a zoning amendment that shall take place simultaneously with the submission and review of the PUD Preliminary Plan. The Zoning Commission and Township Trustees shall approve the initial plans by resolution using the notice and procedures requirements for a zoning amendment as established in the Hilliar Township Zoning Resolution.
 - 2) Approval of the PUD Final Plan shall allow a formal PUD agreement to be signed, zoning certificates to be issued, and private/public construction to commence.

- c. PUD Development Procedure

- 1) Step 1 – Conceptual & Pre-Application

The applicant shall schedule pre-application conference(s) with the Hilliar Township Zoning Commission, all applicable local, county, and state agencies, and public utility companies. The purpose of the pre-application conference is to ensure that the applicant may become familiar with Hilliar Township PUD regulations and zoning requirements, the relationship of the property to existing conditions, and to ensure conformity and compatibility with, and to, the development plan of the township and county with respect to community facilities, utilities, and services.

Nothing herein shall be deemed to forbid or discourage informal consultations between the applicant and the staff of the Knox County Regional Planning Commission or the staff of other Knox County departments prior to the filing of an application for a PUD, provided no statement or representation by a

member of the Knox County Regional Planning Commission or other Knox County departments shall be binding upon the Hilliar Township Zoning Commission or the Hilliar Township Trustees.

Simultaneous with the pre-application conference(s), it is recommended that the applicant schedule a walkabout on the site with the Zoning Commission and the Zoning Inspector to familiarize all parties with the lay of the land and the general design intent.

The order of steps of the pre-application conference(s) shall be:

- a) Initial meeting with Hilliar Township Zoning Commission.
- b) Meeting(s) with all applicable local, county, and state agencies and public utility companies.
- c) Follow-up meeting with Hilliar Township Zoning Commission to review recommendations from aforementioned entities.

2) Step 2 – PUD Preliminary Plan and Zoning Amendment

- a) The applicant shall apply for a zoning amendment for a PUD and shall submit all of the submittal requirements for a zoning amendment as well as completed PUD application form and provide a PUD Preliminary Plan.
- b) The completed PUD application form, PUD Preliminary Plan, and related data shall be submitted to the Zoning Inspector with the required fees as established in the Hilliar Township Fee Schedule.
- c) PUD Preliminary Plan and data required with the PUD application:

The PUD Preliminary Plan application data required for approval of a PUD Preliminary Plan shall include ten (10) full size printed copies and one (1) electronic PDF copy the development plan drawn at a legible scale and include the following information:

- i. Location and size of the area proposed to be developed.
- ii. The uses, lot sizes, location, square footage, and height of buildings, other structures, and roadways.
- iii. The proposals for the disposal of sanitary waste, stormwater, and water sources.
- iv. The provisions for parking of vehicles.

- v. Accommodations have been made for overflow parking, street lighting, and safe pedestrian travel.
 - vi. All signage, including directional signs, along with related lighting, shall be identified and described.
 - vii. Landscaping in green belts, buffers, common open space(s), and other areas shall be identified and described.
 - viii. Must include a proposal for a development that shall be devoted to common open space and recreation areas excluding streets and sidewalks.
 - ix. All covenants, grants of easements, or other restrictions to be imposed on the use of land, buildings, or other structures, including proposed easements for public utilities.
 - x. The locations, functions, ownership, and manner of maintenance of common open space areas.
 - xi. A statement indicating all requirements in the regulations of the Hilliar Township Zoning Resolution are otherwise applicable to the subject property.
 - xii. If development is to be staged within a period of time, the scope of work and time frame is to be established and described for each development phase.
 - xiii. A statement indicating all development shall be in compliance with all Ohio Revised Code (ORC) regulations.
- d) The procedure for the PUD Preliminary Plan and zoning amendment review shall comply with the requirements of the current Hilliar Township Zoning Resolution.
 - e) The Zoning Inspector shall review the Zoning Amendment Form and the PUD application form to determine if they are complete and shall submit the completed application forms, PUD Preliminary Plan, and related data to the Zoning Commission.
 - f) The Zoning Commission shall review the Zoning Amendment Form, the PUD application form, and the PUD Preliminary Plan to determine whether they conform to the review criteria in the PUD regulations and all other applicable standards of the Hilliar Township Zoning Resolution.

- g) The Zoning Commission shall conduct a public hearing of the zoning amendment and the PUD Preliminary Plan and make a recommendation to the Hilliar Township Trustees to approve, approve with modifications, or deny the zoning amendment and PUD Preliminary Plan.
- h) The recommendation shall be made based on reviewing the application using the review criteria for a zoning amendment and the review criteria for PUDs as established in the PUD regulations.
- i) The Zoning Commission may, in its recommendation to the Township Trustees, require that the PUD Final Plan be submitted in stages corresponding to different units or elements of the development. They may do so only upon evidence ensuring completion of the entire development in accordance with the PUD Preliminary Plan and phased development schedule.
- j) In accordance with the zoning amendment review process, the Township Trustees shall hold a public hearing on the zoning amendment and PUD Preliminary Plan and decide to approve, approve with modifications, or deny using the criteria contained in the PUD regulations and all other applicable standards of the Hilliar Township Zoning Resolution.
- k) The Township Trustees' decision on the zoning amendment and PUD Preliminary Plan is a legislative action of the Township Trustees and becomes effective from following the ORC's effective timeline. After approval of the zoning amendment and PUD Preliminary Plan, and after the subsequent referendum period has ended, the Hilliar Township Official Zoning District Map shall be changed to reflect this zoning amendment.
- l) In making its recommendations or decisions, the Zoning Commission and/or Township Trustees may impose such conditions of approval as are in its judgement necessary to ensure conformity to the applicable criteria and standards. In so doing, the Zoning Commission and/or Township Trustees may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Plan within 60 days of such action. Such resubmission shall be made to the board that imposed such conditions in the same format as the initial submission.
- m) Approval of the PUD Preliminary Plan shall include density, intensities, land and structure uses and their inter-relationship, general design standards, and building locations as described in the Hilliar Township Zoning Resolution. Locations of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans.

- n) The approved zoning amendment by the Hilliar Township Trustees, shall constitute an amendment to the Hilliar Township Official Zoning District Map as described in Article III, Establishment of Zoning Districts and Map, Section 3.03 Official Zoning District Map of the Hilliar Township Zoning Resolution.

3) Step 3 – PUD Final Plan Process

Upon development of the PUD Final Plan and associated data, it shall be submitted in the same format as the PUD Preliminary Plan.

- a) Within eighteen (18) months after the approval of the PUD Preliminary Plan, the applicant shall file a PUD Final Plan for the entire development, or when submitting in phases, for the first phase of the development.
- b) If a PUD Preliminary Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Plan for review pursuant to the PUD regulations and pays the required fees, or applies for a zoning amendment to another zoning district. The Zoning Commission or Township Trustees may also initiate a zoning amendment to another zoning district after the expiration of a PUD Preliminary Plan.
- c) Preliminary subdivision plat review by any additional government agencies may occur concurrently with the PUD Final Plan approval. The applicant is responsible for ensuring the proposed plan complies with all Knox County Subdivision Regulations. The Hilliar Township Trustees shall not be required to waive any standards if the proposed plan does not comply with the Knox County Subdivision Regulations.
- d) An applicant shall complete a PUD application form to submit a PUD Final Plan for review. The applicant shall pay the required fees as established in the Hilliar Township Fee Schedule.
- e) Upon determination by the Zoning Inspector that the PUD Final Plan application is complete, the PUD Final Plan and associated data shall be submitted to the Zoning Commission.
- f) The Zoning Commission shall review the PUD Final Plan to determine whether it conforms to all substantial aspects to the previously approved PUD Preliminary Plan and to all other applicable standards of the PUD regulations and the Hilliar Township Zoning Resolution.
- g) The Zoning Commission shall hold a public meeting on the PUD Final Plan and make a recommendation to the Hilliar Township Trustees to approve, approve with modifications, or deny the PUD Final Plan.

- h) The Township Trustees shall review the PUD Final Plan to determine whether it conforms to all substantial aspects of the previously approved PUD Preliminary Plan and to all other applicable standards of the PUD regulations and the Hilliar Township Zoning Resolution.
 - i) In accordance with the zoning amendment review process, the Township Trustees shall hold a public hearing on the PUD Final Plan and decide to approve, approve with modifications, or deny the PUD Final Plan.
 - j) The Township Trustees' decision on the PUD Final Plan is a legislative action of the Township Trustees.
- 4) Step 4 – Zoning Certificate Issuance
- a) Zoning certificates shall not be issued until the parcel or applicable subdivision has been fully recorded in the office of the Knox County Recorder's Office, a formal PUD agreement completed, and public improvements have been installed in accordance with the applicable subdivision regulations.
 - b) Zoning certificates shall be approved when the proposed zoning certificate application shows compliance with the approved PUD Preliminary Plan and PUD Final Plan as well as any other applicable articles of the Hilliar Township Zoning Resolution.

4. Reapplication after Denial of a PUD Application

Whenever an application for a PUD has been denied, the applicant may:

- a. Appeal the decision in accordance with the applicable appeals procedure as established in the Hilliar Township Zoning Resolution or allowed by the ORC.
- b. Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including paying any required fees. In such cases, any sub resubmission must contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Inspector shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete PUD application. If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any refundable fees.
- c. Submit a new application if the proposed use and design of the site will be entirely different than the originally denied application.

5. PUD Management Procedure

a. Formal PUD Agreement

- 1) Prior to the issuance of any zoning certificates or commencement of any portion of the approved PUD Final Plan, the applicant shall enter into a PUD agreement with the Township Trustees in recordable form. The agreement shall set forth the applicant's obligations with respect to the development of the approved PUD District.
- 2) The PUD Agreement shall include the following elements:
 - a) Project summary
 - b) Identification of the PUD plans with all required revisions and all supporting documents which compose the approved PUD District that are part of the approval.
 - c) The terms and conditions defined by the Township Trustees under which the approval was granted and the project will be allowed to be implemented.
 - d) The entity that is responsible for constructing each element of the project, including the public facilities and infrastructure.
 - e) The project details and dimensions that are mandatory.
 - f) **Identification of the entities that will own and be responsible for the maintenance of common areas and facilities, and the method of financing such maintenance work.**
 - g) The terms or conditions regarding the completion of the defined project or the expiration or revocation of the PUD approval.
- 3) Should the PUD Final Plan propose development in phases, a phasing plan shall also be submitted describing the scope of work to be undertaken in each phase and the intended schedule for the start and completion of each phase.
- 4) The agreement shall also establish the remedies to Hilliar Township in the event of default by the applicant in carrying out the PUD Final Plan, and such remedies shall be binding on all successors in interest to the applicant.
- 5) All documents shall be executed by the applicant and the Township Trustees and recorded in the office of the Knox County Recorder.

- 6) The Zoning Inspector shall maintain a complete set of all PUD drawings and documents and any revisions and updates in their office while the project is active.

b. Time Limits for the PUD Final Plan

- 1) Any PUD Final Plan shall be valid for a period of two (2) years after the date of approval by the Hilliar Township Trustees. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the PUD Final Plan for one or more phases of the project) in the PUD within two (2) years from the date of approval, such approval of the PUD Final Plan shall lapse and be of no force and effect.
- 2) If an approved PUD Final Plan time period lapses, the originally approved PUD Preliminary Plan and PUD Final Plan shall also be considered void. Notice of such lapse shall be filed by the Zoning Inspector and forwarded to the Zoning Commission and the Township Trustees.
- 3) Voiding of the PUD Preliminary Plan and PUD Final Plan shall not rezone the property. After such plans are voided, the Zoning Commission, the Township Trustees, or the property owner(s) may initiate a rezoning to another zoning district in accordance with the Hilliar Township Zoning Resolution or the property owner(s), or their agent, may resubmit a new PUD Preliminary Plan and pay the required fees in accordance with the procedures of the PUD regulations.

c. Changes or Modifications to Approved PUDs

- 1) A PUD shall be constructed and completed in accordance with the approved PUD Final Plan and all supporting data. The PUD Final Plan and supporting data, together with all recorded amendments, shall be binding on applicant(s), their successors, grantees, and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PUD as set forth therein.
- 2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property(s) in the PUD, the property owner will request a variance in accordance with the Hilliar Township Zoning Resolution.
- 3) Any request to change or otherwise modify the approved PUD Final Plan by the applicant or as it applies to more than one property owner, shall be reviewed based on whether the change is considered a major or minor, in accordance with the PUD regulations.

- 4) The Zoning Commission shall have the authority to determine if a proposed change is a major change or minor change.

- 5) Major Change

- a) Major changes to a PUD shall require the prior approval of the Zoning Commission and the Township Trustees in the same process, and with the same hearings, as that used to review and approve the PUD Preliminary Plan and PUD Final Plan.

Such major changes include, but are not limited to:

- i. Expansion or subtraction of the land from the original tract coverage.
 - ii. Proposed change that will result in an increase or decrease in the number of units or an increase or decrease in square footage.
 - iii. Any changes in the use of buildings within the PUD project.
 - iv. Changes in the plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration, and location of common open space, and changes in any approved elements of the PUD.
 - v. Amendments to the conditions that were attached to the PUD Preliminary Plan or PUD Final Plan approval.
 - b) Major changes that require the approval of only the Zoning Commission at a public hearing include, but are not limited to, the following:
 - i. Relocation of or addition to structures which encroach into designated front, side, or rear setbacks specifications or exceed maximum building height.
 - c) The approved major change will become an amendment to the formal PUD agreement, PUD Final Plan, and supporting data and shall be recorded as such.

- 6) Minor Change

- a) Minor changes are those proposed by the applicant or developer which do not disturb or affect the basic design and approved PUD Final Plan, nor any specific conditions imposed as part of the PUD Final Plan and which are essentially technical in nature, as determined by the Zoning Inspector.
 - b) Such minor changes include, but are not limited to:

- i. Movement of structures by no more than ten (10) feet as long as they do not encroach upon established building set back specifications.
 - ii. Landscaping approved in the PUD Final Plan that is replaced by similar landscaping of an equal or greater extent.
 - iii. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - iv. Changes required or requested by Hilliar Township, Knox County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- 7) The Zoning Inspector shall make notes of all approved major and minor changes and add them to the formal PUD agreement, PUD Final Plan, and supporting data as appropriate.

6. PUD Review Criteria

a. PUD Preliminary Plan Review Criteria

All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings of fact when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Preliminary Plan:

- 1) The proposed development is in conformity with the comprehensive land use plan.
- 2) The proposed development meets the intent and spirit of the Hilliar Township Zoning Resolution and all other applicable township resolutions.
- 3) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary.
- 4) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation, and natural drainage patterns of the site.
- 5) The proposed development maximizes the opportunity for privacy within residential area and minimizes nuisances between residential areas and other land uses.

- 6) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping, and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within the Hilliar Township Zoning Resolution.
- 7) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities.
- 8) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- 9) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking area within the site are adequate to serve the proposed arrangement of land uses.
- 10) The proposed development minimizes pedestrian, bicycle, and vehicular conflicts.
- 11) The proposed development provides a high quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning requirements.
- 12) The proposed development contains such proposed covenants, easements, and other such provision as may reasonably be required for the public health, safety, and welfare of the public.
- 13) The proposed development is designed in such a way that each individual section or phase of development as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability.
- 14) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the applicant or developer.
- 15) The PUD plans have been transmitted to all other agencies and departments of the township, county, or state charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

b. PUD Final Plan Review Criteria

In addition to the PUD Preliminary Plan review criteria, the following criteria shall serve as conditions that should generally be satisfied before the approval of the PUD Final Plan:

- 1) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the preservation of common open space as indicated on the PUD Preliminary Plan and PUD Final Plan. If deemed necessary by the Township Trustees during the PUD Preliminary Plan review process, the Township Trustees may require the applicant to hold a bond to ensure the successful and proper reservation of open space.
Furthermore, the PUD Final Plan shall demonstrate how the open space ownership shall be duly transferred to Hilliar Township.
- 2) Appropriate arrangement by the applicant has been made to ensure the proper completion of public improvements are in compliance with Hilliar Township and all local, county, and state agencies.
- 3) The proposed PUD Final Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Plan.
- 4) That any exception from the PUD design standards provided in the PUD Preliminary Plan is warranted by the design and amenities incorporated in the PUD Final Plan.

Addendum

Section 5.01: Corridor Overlay Zoning District (CO)

1. Purpose

The purpose of the Corridor Overlay (CO) Zoning District is to provide for a cohesive appearance in the built environment along the entirety of State Route 3/U.S. Route 36 within Hilliar Township, including the Village of Centerburg. As such, Hilliar Township has incorporated standards for signage and landscaping that reflect those adopted for the township along their primary commercial corridor. It is the intent of these regulations to establish standards for signage and landscaping that will apply to any nonresidential development along the corridor.

2. Applicability

- a. The regulations of this section shall apply to all areas within the boundary of 1000 feet of the CO District, as illustrated on the Hilliar Township's official zoning map.
- b. As the name implies, overlay zoning districts are "overlaid" on top of base zoning districts where both districts affect the use of lots subject to those districts.
- c. Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an expressed conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

3. Permitted Uses

The uses allowed in the CO District shall be those of the underlying base zoning district unless otherwise varied or modified by the township in accordance with this resolution.

4. Signs in the CO District

This section includes provisions for permanent signs allowed in the CO District for any nonresidential use permitted within the underlying base zoning district.

a. General Regulations

- (1) Any permitted permanent sign in the CO District may be permitted through the standard zoning certificate approval process when in compliance with the provisions of this section.
- (2) All general regulations in this zoning resolution that apply to any permanent sign, including maintenance, shall apply to any signs authorized by this section.
- (3) All signs shall be subject to the corner clearance regulations of Section 7.05.
- (4) Permanent signs that are not expressly permitted within this section are prohibited in the CO District.
- (5) Temporary signs shall be allowed in accordance with the underlying base zoning district.

b. Permanent Freestanding Signs

- (1) Only one freestanding sign shall be permitted along each street frontage.
- (2) A freestanding sign may be either a monument sign or pole sign unless otherwise specifically stated.
- (3) Where a pole sign is proposed, the pole supporting the sign shall not exceed two feet in height and shall be surrounded by landscaping to screen the view of the pole.
- (4) The monument sign shall be set back minimum of 10 feet from the right-of-way and 15 feet from any adjacent lot lines.

- (5) The maximum sign height shall be eight feet as measured from the average grade at the base of the sign. Establishing a mound or berm beneath a sign for the purpose of increasing the height is prohibited.
- (6) The maximum sign area shall be equal to one square foot of sign area per lineal foot of street frontage, or 40 square feet, whichever is less.
- (7) Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to determine the messaging on the sign.
- (8) Exposed sign foundations shall be constructed with a finished material such as steel, brick, stone, or wood, including, but not limited to, stamped concrete, veneer materials that imitate finished brick, stone, or wood, or other similar permanent materials that create a finished look.
- (9) Freestanding signs may include manual changeable copy signs or electronic message centers when in compliance with the following regulations:

(a) **General**

- (1) Not more than one electronic message center shall be permitted on a lot, provided such lot must have a minimum of 250 feet of and be designated as a 45 miles per hour speed limit zone or greater speed limit.
- (2) An electronic message center shall only be allowed on monument signs.
- (3) The electronic message center portion of the sign shall not be larger than 90 percent of the total sign area allowed for the monument sign on the applicable lot based on the standards of this chapter.

(b) **Copy (Lettering)**

- (1) Copy (lettering) shall be limited to red letters on a black background.
- (2) Letters shall not be smaller than four inches nor greater than eight inches in height. Letters shall be of an appropriate width proportionate to height to be clearly legible.
- (3) Each electronic message center will not display more than four rows of text at any time.

(c) **Brightness**

- (1) The maximum luminance shall not exceed 5,000 nits between sunrise and sunset.
- (2) Except when prohibited to operate as set forth in Paragraph (3) below, the electronic message center shall automatically adjust luminance to a maximum of 250 nits from sunset to sunrise.
- (3) Where a residential dwelling is located within 100 feet of the electronic message center face, and for all electronic message centers on lots zoned P-I, the electronic message center must be turned off between the hours of 10:00 p.m. and 5:30 a.m. Where a business located on the lot is open to the public past 10:00 p.m., the electronic message center may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.

(d) **Message Timing**

- (1) Each message shall appear static for a minimum of 10 seconds ("dwell time").
- (2) If a fade or dissolve effect is used, the effect will take no more than three seconds to complete transition.

- (3) If a fade or dissolve effect is not used, the electronic message center will not display a blank screen between messages for more than one second before the next message appears.

(e) **Permitted Effects**

The electronic message center may use the following effects:

- (1) Dissolve: an effect accomplished by varying the light intensity and pattern an effect in which one message gradually appears to dissipate and lose the legibility with the gradual appearance and legibility of the second message.
- (2) Fade: an effect accomplished by varying the light intensity, where a message is gradually reduced in intensity to the point of not being legible followed by a subsequent message which gradually increases intensity to the point of legibility.

(f) **Prohibited Effects**

The electronic message center shall not use the following effects:

- (1) Flashing: exhibiting changing light or color effect by any means to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling (except dissolve or fade).
- (2) Spinning or rotating;
- (3) Interactive display;
- (4) Sequencing: An effect where a message is not completed in one display, and is continued on a subsequent display.
- (5) Scroll: an effect in which a message appears to move vertically across the display surface.
- (6) Travel: an effect in which a message appears to move horizontally across the display surface.
- (7) Video: the display of photographic image in sequence.

(g) **Operating Regulations**

- (1) The owner of the electronic message center shall regularly perform maintenance on the electronic message center to ensure each component and part operates as designed. If more than 10 percent of the components are not functional, the owner will cease operating the electronic message center until it is repaired and fully functioning.
- (2) The owner of the electronic message center shall use reasonable means to control and secure access to the electronic message center programming and message capabilities to ensure that those messages approved to appropriate owner personnel are displayed.

- (3) At no time will the owner of the electronic message center permit the electronic message center to constitute a nuisance which would include but not be limited to being inoperable, malfunctioning, abandoned, etc., to neighboring property owners or the community, or to be a hazard to traffic safety. While operating the electronic message center outside these guidelines will be a nuisance and/or hazard, it is not yet known whether a nuisance or hazard may result from the operation within these guidelines. Once the electronic message center is operational, if the township determines that their operation constitutes a nuisance or hazard, the owner will coordinate with the Zoning Inspector to mitigate and resolve the nuisance or hazard.
- (4) In the case of malfunction, the electronic message center shall contain a default design to freeze the sign message in one position.

c. Permanent Building Signs

- (1) The building sign area allowed in this section shall include the total amount of all wall, canopy, and awning signs on each facade wall. Standards for each individual building sign type are established in this section.
- (2) Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.
- (3) Building signs may not be attached to mechanical equipment or roof screening.
- (4) Building signs shall not include electronic message centers or manual changeable copy signs except on a canopy sign.

(5) Façade Measurements for Building Signs

- (a) When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets or angles. See [Figure A](#).

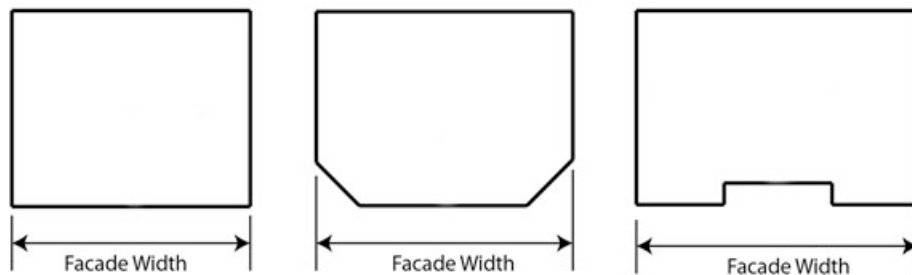


Figure A: Illustration of facade width measurement on varied facade shapes.

- (b) For multi-tenant buildings, the portion of a building that is owned or leased, and approved by the Central Ohio Joint Fire District for occupancy by a single occupant or tenant shall be considered a building unit for the purposes of this chapter. See [Figure B](#).



Figure B: The above image shows independent buildings (1 and 4) as well as a multi-tenant building in between. The multi-tenant building has two building units as identified as 2 and 3 in the image.

- (c) The primary facade shall include any facade that has frontage along a street and any facade that serves as the main access point to a building or building unit. All other facades shall be considered to be secondary facades for the purposes of this section provided such facades do not face an RC or other residential zoning districts. See [Figure C](#).

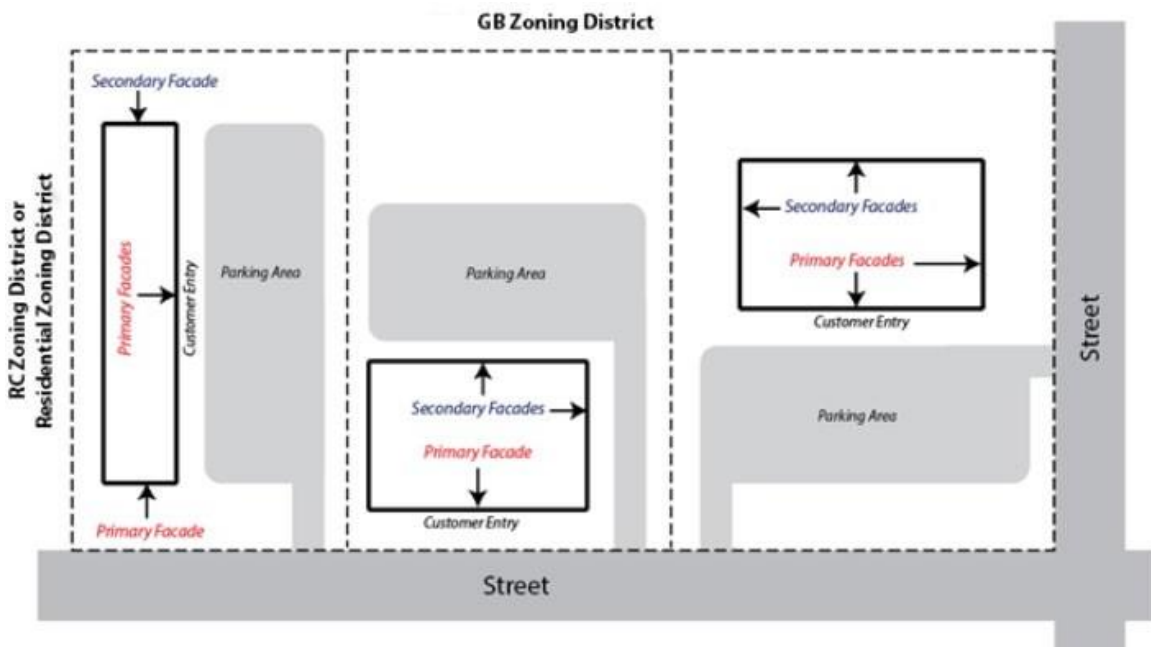


Figure C: Examples of the location of primary and secondary facades.

- (d) When a site has primary and secondary facades as defined herein, the Zoning Inspector shall determine which facades shall be the primary building facades and which facades shall be the secondary building facades, as may be applicable.
- (6) **Building Sign Allowance**
- (a) There is no maximum number of permitted building signs.
- (b) Where there is a building sign allowance for a primary facade, such building sign area shall only be attached to the primary facade.

- (c) Where there is a secondary facade, as determined in Section 5.01 [4.g.v](#), any building sign area allowed for the secondary facade shall be attached to the applicable secondary facade.
- (d) The building sign allowance shall be calculated for each building unit separately, as follows:
 - (1) 1.0 square feet of sign area per lineal foot of primary facade width of each building unit. The total cumulative sign area of all primary facade building signs shall not exceed 150 square feet.
 - (2) 0.5 square feet of sign area per lineal foot of secondary facade width of each building unit. The total cumulative sign area of all secondary facade building signs shall not exceed 75 square feet.

(7) Wall Sign Standards

Any wall sign shall comply with the following standards:

- (a) Wall signs shall be mounted on or flush with a facade wall and shall not project more than 18 inches from the facade wall or face of the building to which it is attached.
- (b) A wall sign may be mounted on the facade wall or mounted on a raceway or wireway.
- (c) No wall sign shall extend any closer than 12 inches to either the top or side edges of the surface or facade wall to which it is attached. No wall sign shall cover or obscure any facade wall opening.
- (d) No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
- (e) Wall signs may be internally or externally illuminated except when attached to a facade that faces a residential zoning district, in which case the illumination of the wall sign is prohibited.
- (f) The wall sign allowance may be used for signs attached to roofed structures over fueling stations or to stand-alone accessory structure such as Automated Teller Machines (ATMS) or detached accessory buildings.

(8) Canopy or Awning Sign Standards

Any canopy or awning sign shall comply with the following standards:

- (a) Signage shall not cover more than 24 square feet of any individual awning or canopy.
- (b) Canopies or awnings should not extend more than 36 inches from the facade.
- (c) Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
- (d) Only the area of the sign may be illuminated internally on a canopy or awning. The remainder of any canopy or awning shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

d. Permanent Drive-Through Facility Signs

- (1) Drive-through facility signs shall only be permitted when the underlying base zoning district is a GB District.
- (2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.

- (3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- (4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if it complies with the following standards:
 - (a) Any message change shall be a static, instant message change.
 - (b) Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
 - (c) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - (d) The electronic message center shall be turned off during the hours when the related business is closed.
- (6) Drive-through facility signs attached to a facade wall of building shall be calculated as part of the building signage allowance in this section.
- (7) The maximum sign areas of this section shall not apply where the drive-through facility sign is located in a manner that is not visible from a public right-of-way or from an adjacent residential lot, as determined by the Zoning Inspector.

e. Permanent Driveway Signs

- (1) Driveway signs shall only be permitted where the lot contains multiple uses.
- (2) Driveway signs shall only be permitted near driveway entrances to a public street.
- (3) A maximum of two driveway signs are permitted per individual driveway.
- (4) Driveway signs shall be located within 30 feet of the right-of-way.
- (5) Each driveway sign shall not exceed four square feet in area and 36 inches in height.
- (6) Driveway signs may be internally or externally illuminated.

5. Screening

Screening shall be required between certain land uses and to screen service areas in accordance with this section. Compliance with these requirements shall be demonstrated within any zoning certificate application for new development within the CO District.

a. Minimum Materials and Standards

The following identifies the minimum landscape and screening standard requirements for all developments.

(1) Plant Materials

- (a) All plant material shall be sound, healthy, live plants installed and maintained in accordance with relevant nursery industry procedures.
- (b) Shrubs shall be installed at a minimum height of two feet with a minimum spread of two feet. When used for a continuous, year-round screening, shrubs must crease such screening within five years of planting.
- (c) Groundcover shall be planted a maximum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and 75 percent coverage after one complete growing season. If approved as part of the site plan, groundcover may also consist of rocks, pebbles, sand, wood chips and other material.

- (d) Grass shall be planted in species normally grown as permanent lawns in Knox County, Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion-reducing net, or suitable mulch shall be used. Grass sod shall be clean and free of weeds and noxious pests or disease.

(e) **Trees**

- (1) Evergreen trees shall be installed at a minimum height of five feet with a minimum spread of three feet.
- (2) Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two and one-half (2.5) inches as measured at the diameter at breast height (DBH).
- (3) Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over a vehicular use areas, sidewalks, or other paved areas.
- (4) Invasive species identified in [OAC 901:5-30-01](#) shall be prohibited.
- (5) To curtail the spread of disease or insect infestation in a plant species if a new development contains over five trees, the application should include at least two different species of trees.
- (f) Existing live and healthy vegetation that meets the standards of this section may be used to meet the standards of this chapter.
- (g) Any trees, shrubs, or landscaping materials used to meet the standards of this chapter shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this section may be of any size.

(2) **Accessways**

Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

(3) **Fencing and Landscaping Walls**

- (a) All fencing or landscaping walls used for screening purposes shall comply with any applicable fencing and wall regulations of this zoning resolution and shall be 75 percent opaque.
- (b) The bottom of all fences used to meet the landscaping requirements of this chapter shall be a minimum of two inches above the ground grade.
- (c) Materials and colors used for fences and landscaping walls shall be similar or complementary to the principal building on the lot.

(4) **Mounds and Berms**

- (a) Earthen mounds and berms shall have a maximum slope of 3:1 (three feet of horizontal space is required for each one-foot vertical change in elevation).
- (b) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.
- (c) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

(5) **Location**

- (a) No trees shall be planted over any storm or sanitary sewers, or in a manner where the root structure is reasonably expected to interfere with such underground facilities.
- (b) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.
- (c) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five feet.

b. **Required Bufferyard Between Land Uses**

- (1) The bufferyard is a designated open area, together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the adjustment of four basic elements: distance, plant material type, plant material density, and structural or land forms.
- (2) Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way.
- (3) To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
 - (a) Identify the land use class of the proposed use.
 - (b) Identify the land use class of each adjoining use.
 - (c) Determine the bufferyard requirements for those side and rear lot lines or portion thereof on the subject parcel by referring to [Table 5- 2](#). The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
 - (d) Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class 3 to Class 4), the Planning Commission shall, during the site plan or development plan review process, determine if additional bufferyard is needed and, if so, to what extent and type.
 - (e) Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements may be satisfied by any of the options indicated in [Table 5- 3](#).

TABLE 5- 1:BUFFERYARD LAND USE CLASSIFICATION	
Use Classes	Types of Uses
Class 1 Uses	Agricultural Uses, Single-Family Dwellings, or Two-Family Dwellings
Class 2 Uses	Public, Institutional, and Recreational Uses
Class 3 Uses	Commercial, Office, and Mixed-Uses
Class 4 Uses	Industrial Uses

Table 5- 2: Bufferyard Type Requirements				
Proposed Use	Adjacent Use			
	Class 1 Uses	Class 2 Uses	Class 3 Uses	Class 4 Uses
Class 1 Uses	None Required	None Required	None Required	None Required

Table 5- 2: Bufferyard Type Requirements				
Proposed Use	Adjacent Use			
	Class 1 Uses	Class 2 Uses	Class 3 Uses	Class 4 Uses
Class 2 Uses	A	None Required	None Required	None Required
Class 3 Uses	B	A	None Required	None Required
Class 4 Uses	C	B	A	None Required

Table 5- 3: Quantity of Plant Materials					
Bufferyard Type	Bufferyard Width (Feet)	Deciduous Trees [1]	Deciduous Shrubs [1]	Evergreen Trees [1]	Fence or Berm Required
A	20	2	0	2	No
	15	2	2	2	No
	10	2	4	4	No
B	25	2	2	2	No
	20	2	4	2	No
	15	3	4	4	No
C	30	2	2	2	No
	25	3	4	4	No
	20	3	4	4	Berm [2]
	15	3	4	4	Fence [3]

NOTES:

[1] The planting requirements are the total plants required per 100 lineal feet of bufferyard required.

[2] The required berm shall be three to four feet in height along the entire length of the bufferyard.

[3] The fence shall be a opaque fence with a height of four to six feet along the entire length of the bufferyard.

(4) **Bufferyard Requirements for Nonconforming Structures or Sites**

If a nonconforming site is unable to comply with the minimum bufferyard requirements of this chapter, the applicant shall not be entitled to the permit for which application has been made unless a variance is granted. Existing paved areas beyond the minimum code requirements for number of spaces, maneuvering/access aisles or loading areas, shall be removed if necessary to provide the required buffer.

c. **Required Screening of Service Areas**

- (1) In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.
- (2) The following areas shall be screened in accordance with this section:
 - (a) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
 - (b) Accessory outdoor storage and bulk sales;
 - (c) Pipes, conduit, and cables associated with the building or use;
 - (d) Outdoor service areas that are necessary to support common business operations (e.g., outdoor air-conditioner, freezer or refrigeration units, storage units, etc.);
 - (e) Ground-level or facade-mounted mechanical equipment; and

- (f) Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (3) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in the R-1 or R-2 zoning districts.
- (4) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access.
- (5) **Screening Methods**
 - (a) The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
 - (1) Vegetative materials that provide an opaque screen of at least 75 percent, year-round, to the minimum height necessary to fully screen the facility from off-site views (See [Figure D.](#)) but in no case shall that screen be less than six-feet tall or exceed eight feet in height; or
 - (2) An opaque fence or landscaping wall, with a height of six feet; or
 - (3) Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building. See [Figure E.](#)



Figure D: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.

- (b) The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.
- (c) To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.
- (d) In all cases, fences and landscaping walls are limited to the heights allowed in the underlying base zoning district unless the landscaping wall used for screening is an extension of the principal building, in which case, the landscaping wall may be the same height as the principal building wall that from which it is extended. See [Figure E.](#)



Figure E: The above image illustrates a facade wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.