

# Newton Township *ZONING RESOLUTION*

## *NEWTON TOWNSHIP LICKING COUNTY, OHIO*

.....  
AMENDED June , 2000; Section 18.37, 18.2 item 3  
AMENDED September 2001; Section 5.2, 5.7, 5.11, 5.14, 5.15, 10.2-2.0  
AMENDED June, 2018; Section 11-A.2, 12.2, 13.2, 15.1.1, 16.2, 18.4.1, 20.5.1

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## PREAMBLE

A resolution of the Township of Newton, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the township into zones and districts, encouraging, regulation, and restricting therein the location, construction, reconstruction, alteration, and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this resolution of any amendment thereto, all for the purpose of protecting the public health, safety, comfort, and general welfare; and for the repeal thereof.

Therefore, be it resolved by the Board of Township Trustees of Newton Township, Licking County, State of Ohio:

## **ARTICLE 1**

### **Section 1.0 Title**

This resolution shall be known and may be cited to as the "Newton Township, Licking County, and Ohio Zoning Resolution."

### **Section 1.1 Provisions Declared Minimum Requirements**

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

### **Section 1.2 Separability Clause**

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

### **Section 1.3 Repeal of Conflicting Resolution, Effective Date**

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

## ARTICLE 2

### DEFINITIONS

#### **Section 2.0 Interpretations of Terms of Words**

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

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

**Accessory Use or Structure:** A use or structure, including private swimming pools, garages, parking places, outbuildings and sheds, and decks, on the same lot with, attached or detached from the principal structure, and of a nature customarily incidental and subordinate to the principal use or structure.

**Adult Entertainment Facilities:** See Section 18.35

**Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for parking, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory use shall be secondary to that of normal agricultural activities.
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet or any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or the maintenance of a commercial stockyard or feed yard.

**Airport:** Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars and other necessary buildings, and open spaces.

**Alley:** See Thoroughfare.

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

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

**Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, Manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, Manufactured homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

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

**Beginning of Construction:** The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

**Board:** The Board of Zoning Appeals of the township.

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

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

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Line:** Line set with respect to the frontage of a plot of land, which is not permitted to build on.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business Convenience:** Commercial establishments, which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Use in this classification tends to serve a day-to-day need in the neighborhood.

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

**Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and services; restaurants and motels, and commercial recreation.

**Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business, Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

**Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

**Channel:** A natural or artificial watercourse or perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**Clinic**: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

**Club**: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Entertainment Facilities**: Any profit making activity which is generally related to the entertaining field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Comprehensive Development Plan**: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of Licking County showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

**Commission**: The Township Zoning Commission.

**Conditional Use**: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule and District Regulations.

**Corner Lot**: See Lot Types.

**Cull-de-Sac**: See Thoroughfare.

**Dead-End Street**: See Thoroughfare.

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

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

**Dwelling**: Any building or structure (except a house trailer or Manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling, Industrialized Unit**: An assembly or material or products comprising all or part

of a total structure which, when constructed, is self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a Manufactured home.

**Dwelling, Multi-Family:** A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

**Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):** A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where not cooking or dining facilities are provided in the individual rooms.

**Dwelling, Single-Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

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

**Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

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

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adopted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves, and watershed projects.

**Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

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

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

**Floodway Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements):** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**Floor Area, Usable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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

**Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises.
2. No more than one commercial vehicle permitted does not exceed two tons capacity.



**Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no serve shall be provided for remuneration.

**Garage, Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors, parts.
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of autos not in operation condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

**Home Occupation:** An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area or the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. IN the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Institutional:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building or combination of the same, on which junk is stored or processed. Also includes garbage dumps and sanitary landfills.

**Junk Motor Vehicle:** See Section 18.30 for definition.

**Junk Yards:** Any open area where waste, discarded or salvaged materials of any kind are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment whether or not for commercial purposes. Also includes garbage dumps and sanitary landfills.

**Kennel:** Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking spaces in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** See Vicinity Map.

**Lot:** For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

**Lot, Minimum Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**Lot Measurement:** A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rearmost of the side lot lines in the rear.
2. **Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

**Lot Types:** Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lots:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Thoroughfare Plan**: A portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Maintenance and Storage Facilities**: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufacturing, Heavy:** Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

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

**Mini-Storage:** A principal commercial structure, open to the public, for the use of temporary, enclosed storage of personal belongings, furniture, household goods, boats, trailers, or automobiles.

**Manufactured Home:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet.

**Manufactured Home Park:** Any site, or tract of land under single ownership, upon which three or more Manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

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

**Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Open Space:** An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the

like shall not be included.

**Outdoor Furnace:** A typical outdoor furnace burns wood or other materials to heat water or air that is piped to a nearby building and / or structure (residence, accessory building, swimming pool, hot tub) resulting in heat and / or hot water. An outdoor furnace resembles a small shed with a smokestack and is located outside of the building or structure to be heated.

**Parking Space, Off-Street:** For the purpose of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Performance Bond or Surety Bond:** An agreement by a sub divider or development with county for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider's agreement.

**Personal Services:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**Planned Unit Development:** An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standards subdivision, such as building design principles, and landscaping plans.

**Planning Commission, Licking County:** (LCPC).

**Professional Activities:** medical practitioners, lawyers, architects, and engineers, and similar professions provide the use of offices and related spaces for such professional services as.

**Public Nuisance:** Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law.
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

3. Any premises designated as unsafe for human habitation or use.
4. Any premises which have unsanitary sewerage or plumbing facilities.
5. Any premises, which are manifestly capable of being a fire, hazard, or are manifestly unsafe or unsecured as to endanger life, limb, or property.
6. Any premises from which the plumbing, heat, and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds.
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open; vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

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

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

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

**Quasi-public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

**Quorum:** The majority of the appointed members of any particular board including seated alternates (if applicable). Board of Zoning Appeals – quorum would be 3 of the 5-member board. Zoning Commission – quorum would be 3 of the 5-member board.

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



**Recreation Facilities:** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.

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

**Seat:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inch of benches, pews, or space for loose chairs.

**Setback Line:** A distance from a right of way, property line, or structure within which building is prohibited.

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

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

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

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

1. **Sign, On-Premises:** Any sign related to a business or profession conducted, or to

a commodity or service sold or offered upon the premises where such sign is located.

2. Sign, Off-Premises: Any sign unrelated to a business or professional conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

**Skill Games** : An establishment that has skill-based amusement machines. These machines are mechanical, video, digital, or an electronic device that rewards the player or players, if at all, with merchandise prizes or with redeemable vouchers, redeemable only for merchandise prizes.

**Story**: That part of a building between the surface of a floor and the ceiling immediately above.

**Structure**: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, Manufactured homes, walls, fences, and billboards.

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

**Swimming Pools**: A pool, pond, lake, or open tank containing at least five feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
2. Community: Operated with a charge for admission, a primary use.

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

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic,

- carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street**: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.
  4. **Cull-de-Sac**: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
  5. **Dead-End Street**: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
  6. **Local Street**: A street primarily for providing access to residential or other abutting property.
  7. **Loop Street**: A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principle radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet each other.
  8. **Marginal Access Street**: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

**Through Lot**: See Lot Types.

**Transportation, Director of**: The Director of the Ohio Department of Transportation.

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

**Variance**: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulties.

**Veterinary Animal Hospital or Clinic**: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map**: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**Walkway**: A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

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

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

**Zoning Permit**: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the use.

NOTE the following diagrams illustrate:

- Types of Lots, Figure 1
- Lot Terms, Figure 2
- Basement and Story, Figure 3
- Flood Plain Terms, Figure 3
- Classification of the Thoroughfare System, Figure 4

## **ARTICLE 3**

### **ENFORCEMENT**

#### **Section 3.0 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from Board of Township Trustees approving a Planned Unit Development District, as provided by this resolution.

#### **Section 3.1 Content of Application for Zoning Permit**

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

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be removed if work has not begun within one year or substantially completed within 2 1/2 years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and

provide for the enforcement of this resolution.

11. Prior to issuing a zoning permit for any new structure, a permit must first be issued by the Board of Health or Ohio Environmental Protection Agency (OEPA) for water and sewage systems.

### **Section 3.2 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution.

All zoning permits shall, however, be conditional upon the commencement of work within one year. The Zoning Inspector shall retain one copy of the plans. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the resolution.

### **Section 3.3 Submissions to Director of Transportation**

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

### **Section 3.4 Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; the Zoning Inspector shall revoke it; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within 2 1/2 years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **Section 3.5 Certificate of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution.

### **Section 3.6 Temporary Certificate of Occupancy**

The Zoning Inspector may issue a temporary certificate of occupancy for a period not exceeding nine months during alterations or partial occupancy of a building pending its completion.

#### **Manufactured Prohibited - Except**

A trailer coach, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. A separate zoning permit shall be required for the use of temporary dwelling quarters.

On the day a permit is issued for the trailer, a permit for building a home will also be issued at the same time. Construction of the house must begin within 30 days of issuance of said permit. The house construction must be at least 60 percent completed within the first six months after the permit is issued. Further, no wheels, hitches, etc., may be removed from the Manufactured home at any time during construction of the house on the property for which the permit has been issued, to make the Manufactured home immovable. A one time only permit will be granted and there will be no variance granted and no extension of time permitted for the use of the Manufactured home to continue and it must be moved off said property completely within 18 months after a permit is issued. Further, if construction on the house has not begun within 30 days after issuance of a permit and temporary permit for Manufactured homes, the entire permit is null and void and Manufactured home must be moved immediately.

### **Section 3.7 Records of Zoning Permits and Certificate of Occupancy**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

### **Section 3.8 Failures to Obtain a Zoning Permit or Certificate of Occupancy**

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this resolution and punishable under Section 3.11 of this resolution.

### **Section 3.9 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 3.11 of this resolution.

### **Section 3.10 Complaints Regarding Violations**

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

### **Section 3.11 Penalties for Violation**

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisonment for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who comments, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the townships from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Section 3.12 Schedule of Fees, Charges, and Expenses**

The Board of Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, 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 office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until no action shall be taken on any application or appeal.



## **ARTICLE 4**

### **NONCONFORMITIES**

#### **Section 4.0 Intent**

Within the districts established by this resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

#### **Section 4.1 Incompatibilities of Nonconformities**

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### **Section 4.2 Avoidance of Undue Hardship**

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the 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 diligently. Actual is hereby defined to include the placing of construction materials in 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, provided that the work shall be carried out diligently.

#### **Section 4.3 Single Nonconforming Lots of Record**

In any district in which family dwellings are permitted, one single family dwelling and customary accessory building may be erected on a single lot of record so long as it meets the required lot area and width at the time the deed was dated and recorded. (Refer to Article 4, Section 4.10 for NONCONFORMING LOT OF RECORD YARD

REQUIREMENTS).

#### **Section 4.4 Nonconforming Lots of Record in Combination**

DELETED

#### **Section 4.5 Nonconforming Use of Land**

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this resolution of the district in which such land is located.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

#### **Section 4.6 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 4.7    Nonconforming Uses of Structures or of Structures of Land in Combination**

If a lawful use involving individual structures, or of 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 district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any 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 building.
3. If no structural alterations are made, any nonconforming use of a structure or structure of land, may upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years (except when government action impedes access to the premises), 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.

6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **Section 4.8 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall not 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 4.9 Uses Under Conditional Use Provisions Not Nonconforming Uses**

Any use, which is permitted as a conditional use in a district under the terms of this resolution, shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### **Section 4.10 Non-Conforming Lot of Record Yard Requirements**

The yard requirements of lots of record shall meet the required yard(s) as call for in the zoning district in which the existing lot of record is located, when possible. When not possible to meet the existing yard requirements and when the lot of record is located in an area where lots are developed or improved with having yards with a variation of not more than ten (10) feet in depth, the average of such developed/improved yards shall establish the yards for the lot of record, except as provided elsewhere in these regulations.

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible, but it is the intent of this resolution to provide for a lot of record to be developed and/or improved with structures or sues to be compatible with the existing neighborhood and existing structures. If the applicant and zoning inspector cannot reach an agreement on the yards, then the applicant can appeal the zoning inspector's decision to the Board of Zoning Appeals.

## **ARTICLE 5**

### **ADMINISTRATION**

#### **Section 5.0 Office of Zoning Inspector Created**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

#### **Section 5.1 Duties of Zoning Inspector**

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

1. Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, buildings, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

#### **Section 5.2 Proceedings of Zoning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. No business shall be conducted and no vote shall be taken unless a quorum of the board is present. "The Commission shall keep minutes of its proceedings showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission."

#### **Section 5.3 Duties of Zoning Commission**

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

1. Initiate proposed amendments to this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 16.
3. Review all planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 21.

#### **Section 5.4 Board of Zoning Appeals Created**

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five-year terms. Each member shall be a resident of the township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

#### **Section 5.5 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

#### **Section 5.6 Duties of the Board of Zoning Appeals**

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

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.

2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardships, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 through 17 and such additional safeguards as will uphold the intent of this resolution.

### **Section 5.7 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering the adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 3.12 of this resolution. Nothing in this resolution shall be interpreted to prevent any official of the township from appeal a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the Board's written decision.

### **Section 5.8 Procedures and Requirements for Appeals and Variances**

Appeals and variances shall conform to the procedures and requirements of Sections 5.9 through 5.18, inclusive, of this resolution. As specified in Section 5.6, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### **Section 5.9 Appeals**

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

### **Section 5.10 Stay of Proceedings**

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

### **Section 5.11 Variance**

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

### **Section 5.12 Application and Standards for Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution would result in practical difficulties. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include; but are not limited to:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
- b. Whether a variance is substantial;
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as result of the variance;
- d. Whether the variance would adversely affect the delivery of governmental service, (e.g., water, sewer, garbage, fire, police, medical);
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction;
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
- g. Whether the spirit and intent behind the zoning requirement would be observed



and substantial justice done by granting the variance.

Variances shall not be granted on the grounds of convenience, profit, or personal hardship, but only where strict application of the provisions of this resolution would result in practical difficulties.

### **Section 5.13 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 3.11 of this resolution.

### **Section 5.14 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within a reasonable amount of time after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

### **Section 5.15 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 5.14, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

### **Section 5.16 Notice to Parties in Interest**

Before holding the public hearing required in Section 5.15, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall consist of the same information as required for notices published in newspapers as specified in Section 5.15.

### **Section 5.17 Action by Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 5.14, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 5.13,

or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make possible a reasonable use of the land, building, or structure. Appeals from Board decision shall be made in the manner specified in Section 5.7.

**Section 5.18 Procedure and Requirements for Approval of Conditional Use Permits**

Conditional uses shall conform to the procedures and requirements of Sections 5.19 through 5.26, inclusive of this resolution.

### **Section 5.19 General**

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Section 5.19 through 5.26, inclusive.

### **Section 5.20 Contents of Application for Conditional Use Permit**

At least one owner or lessee of property for which such conditional use is proposed shall file an application for conditional use permit with the chairman of the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine the proposed conditional use meets the intent and requirements of this resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. Such other information as may be required in Section 5.22.

### **Section 5.21 General Standards Applicable to all Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 5.22, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 9.10 for the zoning district involved.

2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, and/or the zoning resolution.
3. Will 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 change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **Section 5.22 Specific Criteria for Conditional Uses**

Following is a list of specific requirements for conditionally permitted uses as specified under the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least 100 feet from all property lines.
2. Loud speakers, which cause a hazard or annoyance, shall not be permitted.
3. All points of entrance or exit should be located no closer than 200 feet from the intersection of two arterial thoroughfares or no closer than 100 feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
6. Structures should have primary access to a collector thoroughfare.
7. Such development should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as

- churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
  10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
  11. Such structures should be located adjacent to parks and other non-residential such as schools and shopping facilities where use could be made of joint parking facilities.
  12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
  13. The area of use shall be completely enclosed by a six-foot fence and appropriately landscaped to be harmonious with surrounding properties.
  14. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
  15. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
  16. Such developments should be located on or immediately adjacent to state highways.
  17. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structures used for human occupancy in any other district.
  18. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
  19. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
  20. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM.
  21. All equipment and machinery shall be operated and maintained in such as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or the Township Trustees may specify other treatment as.
  22. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planed, and the location of future roads, drives, drainage courses, or other improvements contemplated.

23. All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
  - a. That the excavated area shall not collect the permit to remain therein-stagnant water.
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
24. There shall be filed with the Board of Township Trustees a bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

### **Section 5.23 Supplementary Conditions and Safeguards**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 3.11 of this resolution.

### **Section 5.24 Procedure for Hearing, Notice**

Upon receipt of the application for a conditional use permit, specified in Section 5.20, the Board shall hold a public hearing, publish notice in a newspaper, and given written notice to all parties in interest according to the procedures specified in Section 5.14 through 5.16.

### **Section 5.25 Action by the Board of Zoning Appeals**

Within 30 days after the public hearing required in Section 5.24, the Board shall either approve, approve with supplementary conditions as specified in Section 5.23, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 5.7.

### **Section 5.26 Expiration of Conditional Use Permit**

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

## **ARTICLE 6**

### **AMENDMENT**

#### **Section 6.0 PROCEDURES FOR AMENDMENTS OR DISTRICT CHANGES**

Utilizing the procedures specified in Sections 6.1 through 6.13, inclusive of this resolution, may amend this resolution.

##### **Section 6.1 General**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries, or classification of property.

##### **Section 6.2 Initiations of Zoning Amendments**

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of the motion by the Zoning Commission.
2. By adoption of a resolution by the Board of Township Trustees.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

##### **Section 6.3 Contents of Application**

Applications for amendments to the official zoning map adopted as part of this resolution by Section 7.0 shall contain at least the following information:

1. Name, address, and phone number of applicant.
2. Proposed amended resolution, approved as to form by the County Prosecutor.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require.
8. A list of all property owners and their mailing address who are within, contiguous



to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.

9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Section 3.12.

Applications for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the official zoning map shall include Items 1, 2, 9, and 10 listed above.

#### **Section 6.4 Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Commission.

#### **Section 6.5 Submissions to County Planning Commission**

Within five days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

#### **Section 6.6 Submissions to Director of Transportation**

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation notifying the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the 120 days period or any extension thereof agreed upon the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

#### **Section 6.7 Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 or more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

## **Section 6.8 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 6.7, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 15 days before the date of said hearing.

1. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
  - b. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
  - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 15 days to the public hearing.
  - d. The name of the person responsible for giving notice of the public hearing by publication.
  - e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
  - f. Any other information requested by the Zoning Commission.
2. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - a. The name of the Zoning Commission that will be conducting the public hearing.
  - b. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
  - c. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of the owners of these properties, as they appear on the County Auditor's current tax list.
  - d. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
  - e. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 15 days prior to the public hearing.
  - f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and map.
  - g. Any other information requested by the Zoning Commission.
  - h. A statement that after the conclusion of such hearing, the matter will be

submitted to the Board to its action.

### **Section 6.9 Notices to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 20 days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

### **Section 6.10 Recommendation by Zoning Commission**

Within 30 days after the public hearing required by Section 6.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

### **Section 6.11 Public Hearing by Board of Township Trustees**

Within 30 days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. The Board of Township Trustees as specified in Section 6.8 shall give notice of such public hearing in a newspaper.

### **Section 6.12 Action by Board of Township Trustees**

Within 20 days after the public hearing required by Section 6.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

### **Section 6.13 Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than 8 percent 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 Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendments it shall take immediate effect.

## **ARTICLE 7**

### **PROVISIONS FOR OFFICIAL ZONING MAP**

#### **Section 7.0 Official Zoning Map**

The districts established in Article 7 of this resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

#### **Section 7.1 Identification of the Official Zoning Map**

The official zoning map shall be identified by the signature of the chairman of the Board of Township Trustees, attested by the township clerk, and bearing the seal of the township.

#### **Section 7.2 Interpretation of the Official Zoning Map**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street, lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks or said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

## **ARTICLE 8**

### **DISTRICT REGULATIONS**

#### **Section 8.0 Compliance With Regulations**

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk.
  - b. To accommodate or house for a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

#### **Section 8.1 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to "Supplementary District Regulations." District regulations for the MHP District shall be those specified in Article 14.

#### **Section 8.2 Intent of District Regulations**

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, the general requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 4, Article 5, and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in district articles of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission as permitted or conditionally permitted in any

district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

### **Section 8.3 Intent**

The following zoning district articles are hereby established for the Township of Newton, Licking County, Ohio. For the interpretation of this the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this resolution. In addition, the specific purposes of each zoning district shall be stated.

### **Section 8.4 Amendments**

Nothing in Article 8 through 17 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 519.12.



## **ARTICLE 9**

### **FP, FLOOD PLAIN DISTRICT**

#### **Section 9.0 Purposes**

The purpose of the FP District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters.

#### **Section 9.1 Uses Permitted in the FP, Flood Plain District**

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

#### **Section 9.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Gun clubs, archery courts, and other similar uses.
2. Commercial mining; in accordance with the provisions of Article 18.
3. Reclamation of lands subject to flooding, provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Commission unless the Commission finds that such reclamation work is in concert with the objectives of the Land Use Plan; and, that any such work is done in accordance with plans approved by the Commission after review by the technical staff available to the Soil and Water Conservation District.

#### **Section 9.3 Other Requirements**

Building or structures authorized in the FP District shall not receive an approved

Newton Township zoning permit unless the applicant submits to the Zoning Inspector a copy of an approved Licking County permit to develop in a flood hazard area; "Certificate of Elevation or Flood proofing," and/or "Certificate of Flood proofing Non-Residential Structures."

Any buildings, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Licking County Flood Damage Prevention Regulations adopted by the Licking County Commissioners.

1. Change to Non-Flood Plain District: Changes of district classification from FP to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the FP District was originally established does no longer exist or has been remedied to the satisfaction of the Licking County Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommendation a change of zoning to the Township Trustees, the Township Zoning Commission shall obtain certification from the Licking County Planning Department that the area proposed to be removed from the FP District is free from inundation from a 100 year flood event.

#### **Section 9.4 Required Lot Areas and Lot Width in the FP District**

None, except as may be specified by the Commission; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.

#### **Section 9.5 Height Regulations in the FP District**

No structure shall exceed 35 feet in height.

## **ARTICLE 10**

### **AG, AGRICULTURAL DISTRICT**

#### **Section 10.0 Purpose**

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects agricultural operators.

#### **Section 10.1 Uses Permitted in the AG District**

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Public and private schools.
5. Churches.
6. Commercial grain storage.
7. Accessory uses and structures.
8. Private swimming pools.
9. Cemeteries.
10. Home Occupations

#### **Section 10.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Real estate, professional, and small announcement signs, subject to the provisions of Article 20.
2. Uses of land including quarrying and mining of natural resources (See Article 18).
3. Golf courses and similar uses.
4. Private aviation field.
5. Sawmills.
6. Veterinary.
7. Implement sales and repairs.
8. Feed and seed sales.
9. Fertilizer and agricultural chemical sales.

#### **Section 10.3 Required Lot Area and Lot Width in the AG District for Residential Use**

Each dwelling shall be located on a lot having an area of not less than 87,120 square feet (2 acres) and a lot width of not less than 200 feet at the building line, exclusive of road right-of-way, and shall be in addition to any easements of record. No lot can exceed 2.5 times in depth its lot width. The Newton Township Board of Zoning Appeals according to Article 5 of this resolution must approve a proposed lot with a depth of more than 2.5 times its lot width. The lot depth shall be measured from the centerline of the road.

#### **Section 10.4 Height Regulation in the AG District**

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

#### **Section 10.5 Required Yard in the AG District**

All dwellings shall have the following minimum yard spaces:

Front Yard: 100 feet (from the centerline of the road)  
Side Yard: 15 feet each side  
Rear Yard: 50 feet

#### **Section 10.6 Required Floor Area in the AG District**

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

##### **Single-Family Dwelling**

With basement 1,000 square feet  
Without basement 1,100 square feet

Single-family dwellings shall not be less than 24 feet in width or depth whichever is the smaller dimension.

#### **Section 10.7 Agricultural Structures: Area, Width, and Yard Requirements**

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:

Front Yard: 100 feet (from the centerline of the road)  
Side Yard: 15 feet each side  
Rear Yard: 15 feet

#### **Section 10.8 Agricultural Uses: Cattle, Poultry, etc.**

Any agricultural uses (cattle, poultry, horses, storage for agricultural equipment etc.) shall be exempt from a Zoning Permit if land owned is in excess of 5 acres.

**Section 10.9 Lots Exempt from the 2.5: 1 Ratio Requirement:**

When a lot has a minimum of 250 feet of road frontage and contains (10) ten acres or more.

## **ARTICLE 11**

### **R-1, SUBURBAN RESIDENCE DISTRICT**

#### **Section 11.0 Purpose**

The purpose of the Suburban Residence District is to provide an area for rural small estate residential development; to provide an area for light agricultural pursuit; and, to conserve areas physically unsuitable for intensive development.

#### **Section 11.1 Uses Permitted in the R-1 District**

1. Single-family dwellings.
2. Churches.
3. Public and private schools.
4. Public parks and playgrounds.
5. Private stables as an accessory use, provided any lot or tract in such use shall not be less than five acres in area.
6. Private swimming pools as an accessory use.
7. Accessory uses and structures.
8. Home occupations.

#### **Section 11.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Institutions, nursery, nursing homes, clinics.
2. Government buildings.
3. Cemeteries.
4. Clubs, golf courses.
5. Nursery, plant material and sales.
6. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit
  - a. A conditional use permit is required
  - b. Minimum lot size is 1-1/2 acres
  - c. The outdoor furnace shall be located in rear or side yard
  - d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

#### **Section 11.3 Required Lot Area and Lot Width in the R-1 District**

Each residential dwelling shall be located on a lot having an area of not less than 45,000 square feet and a lot width of not less than 150 feet at the building line.

**Section 11.4 Required Floor Area in the R-1 District**

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

Single-Family Dwelling

With basement 1,000 square feet

Without basement 1,100 square feet

Single-family dwellings shall not be less than 24 feet in width or depth whichever is the smaller.

### **Section 11.5 Height Regulation in the R-1 District**

No residential dwelling shall exceed 2 1/2 stories or 35 feet in height.

### **Section 11.6 Required Yard in the R-1 District**

Front Yard: 40 feet\*  
Side Yard: 15 feet each side  
Rear Yard: 50 feet

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

\*Or 70 feet from the center of the road if no right-of-way has been established.



## **SECTION 11-A**

### **R-S, SINGLE FAMILY RESIDENTIAL**

#### **Section 11-A.0 Purpose**

The purpose of the single-family residential district is to provide a well planned and developed medium density suburban development with single-family dwellings on individual lots. Centralized water and sewer facilities are required.

#### **Section 11-A.1 Uses Permitted in R-S District**

1. Single family dwelling.
2. Private swimming pool as an accessory use.
3. Accessory uses and structures.
4. Home Occupations

##### **Section 11-A.1.1 Conditionally Permitted Uses**

1. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit
  - a. A conditional use permit is required
  - b. Minimum lot size is 1-1/2 acres
  - c. The outdoor furnace shall be located in rear or side yard
  - d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

#### **Section 11-A.2 Lot Requirements**

Each residential dwelling shall be located on a lot having an area of not less than 14,450 square feet.

The lot width shall be not less than 95 feet measured at the building line. No lot shall have a depth which is more than three times its width, nor shall have a depth of less than 120 feet. The width used to determine width to depth ratio shall be measured at the building line.

Each lot shall front a public thoroughfare for at least 40 feet.

Lots with double frontage shall be prohibited.

#### **Section 11-A.3 Dwelling Regulations**

No residential building shall exceed 2 1/2 stories or 30 feet in height.

Residential structures shall have a minimum of 1,200 square feet of living area, exclusive of garages, porches, decks, terraces or similar structures. Two-story dwelling shall have a minimum of 700 square feet of living area on the ground level exclusive of basement, porches, decks, terraces or similar structures.

#### **Section 11-A.4 Building Setback Lines**

Required building setback includes:

|  |                                     |
|--|-------------------------------------|
|  | 40 feet front (minimum) *           |
|  | 12 feet side (minimum) ** each side |
|  | 40 feet rear (minimum) **           |

\*As measured perpendicular from street or roadway right-of-way.

\*\*As measured perpendicular from the property line.

#### **Section 11-A.5 Special Consideration**

A developer may impose certain design and construction limitation in a development as long as the minimum requirement of this zoning regulation is met. These special conditions shall be submitted with the preliminary plans for the Board Review. If at any time the Board feels the special condition to be a contradiction to these zoning regulations, then the zoning regulations shall govern.

#### **Section 11-A.6 Prohibited Uses in the R-S Single Family District**

As listed below:

1. Manufactured homes.
2. Advertising signs.

A dwelling placed on a corner lot shall provide the minimum front yard requirements on each street side of the lot.

## **ARTICLE 12**

### **R-2, GENERAL RESIDENCE DISTRICT**

#### **Section 12.0 Purpose**

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

#### **Section 12.1 Uses Permitted in the R-2 District**

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

#### **Section 12.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Institutions, nursery, nursing homes, clinics.
2. Professional and business offices.
3. Tourist homes, lodging houses, clubs, lodges, rest homes, funeral homes, clinics, and similar uses
4. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit
  - a. A conditional use permit is required
  - b. Minimum lot size is 1-1/2 acres
  - c. The outdoor furnace shall be located in rear or side yard
  - d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

### **Section 12.3 Required Lot Area and Lot Width**

|                      | <u>Square Feet at Building Line</u> |                  |
|----------------------|-------------------------------------|------------------|
|                      | <u>Lot Area</u>                     | <u>Lot Width</u> |
| Single-Family        | 43,560                              | 150              |
| Two-Family           | 43,560                              | 150              |
| Other Permitted Uses | 43,560                              | 150              |

### **Section 12.4 Required Floor Area - Square Feet**

| <u>One-Family</u> | <u>Square Feet</u> |
|-------------------|--------------------|
| With basement     | 800                |
| Without basement  | 900                |
| <u>Two-Family</u> | <u>Square Feet</u> |
| With basement     | 1,600              |
| Without basement  | 1,800              |

Single-family and two-family dwellings shall not be less than 24 feet in width or depth whichever is the smaller.

### **Section 12.5 Height Regulation**

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

### **Section 12.6 Required Yard**

All dwellings and permitted uses shall have the following minimum yard spaces:

#### One and Two Family

Front Yard: 40 feet\*  
Side Yard: 15 feet each side  
Rear Yard: 50 feet

#### Other Permitted Uses

Front Yard: 40 feet\*  
Side Yard: 20 feet each side

Rear Yard: 50 feet

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

\*Or 70 feet from the center of the road if no right-of-way has been established.

### **Section 12.7 Parking Requirements**

Parking requirements shall be as regulated in Article 19 of these regulations.

### **Section 12.8 Signs**

Signs shall be as regulated in Article 20 of these regulations.

## ARTICLE 13

### **R-3, MEDIUM-DENSITY RESIDENTIAL DISTRICT**

#### **Section 13.0 Purpose**

The purpose of the R-3 District is to permit the establishment of medium density single, two, and multiple family dwellings not to exceed four dwelling units per gross acre. Centralized water and sewer facilities are required.

#### **Section 13.1 Permitted Uses**

1. Single-family dwelling units. \*
2. Two-family dwelling units. \*
3. Multi-family dwelling units. \*
4. Churches.
5. Public and private schools.
6. Public parks and playgrounds.
7. Governmental buildings.
8. Accessory uses and structures.
9. Home occupations

\*Public utility supplies of water and sewer are required to accommodate these uses under the R-3 density.

#### **Section 13.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Professional and business offices.
2. Tourist homes, lodging houses, clubs, lodges, rest homes, funeral homes, clinics, and similar uses
3. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit
  - a. A conditional use permit is required
  - b. Minimum lot size is 1-1/2 acres
  - c. The outdoor furnace shall be located in rear or side yard
  - d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

#### **Section 13.3 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

#### **Section 13.4 Lot Area, Width, and Depth**

Every lot for a single-family dwelling shall have a minimum width of at least 60 feet and a minimum lot area of not else than 10,000 square feet; every lot or tract of land upon which there is erected a two-family dwelling or multiple-family dwelling shall have a minimum width of at least 70 feet and a minimum lot area of not less than 12,000 square feet. All lot area measurements shall be exclusive of road right-of-way, and shall

be in addition to any easement of record.

### **Section 13.5 Required Yard**

Front Yard: There shall be a front yard of not less than 35 feet.

Side Yard: There shall be a side yard of not less than five feet on each side.

Rear Yard: There shall be a rear yard of not less than 25 feet.

### **Section 13.6 Dwelling Bulk**

Single-family dwellings or structures shall have a minimum area of 800 square feet. Two-family and multi-family dwelling units shall have a minimum area of 600 square feet of living space. All dwelling bulk requirements for the R-3 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

Single-family, two-family, and multi-family dwellings shall not be less than 24 feet in width or depth whichever is the smaller dimension.

### **Section 13.7 Parking Requirements**

Parking requirements shall be as regulated in Article 19 of these regulations.

### **Section 13.8 Signs**

Signs shall be as regulated in Article 20 of these regulations.

## ARTICLE 14

### **Manufactured HOME PARK DISTRICT (MHP)**

#### **Section 14.0 Purpose**

The purpose of the MHP District is to encourage the development of Manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Manufactured home parks shall comply with the regulations of Chapter HE-27 of the Ohio Sanitary Code.

#### **Section 14.1 Permitted Uses**

1. Buildings or permanent type structures used exclusively to provide services for occupants of the park: such as recreation building, swimming pools, and bath house, laundry room, Manufactured home park office, storage rooms, and the like.
2. Accessory buildings or structures that are clearly incidental and attached to a Manufactured home: such as a carport, cabana, Florida room, and the like.
3. Advertising signs subject to all the following provisions:
  - a. One identification type sign advertising the Manufactured home park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required front yard area. Such sign may be double face, and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any boarder around it, shall be not more than one square foot for each lineal foot of frontage of the Manufactured home park or 100 square feet, whichever is least. The maximum height of the sign shall not exceed 25 feet above the ground.
  - b. Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

#### **Section 14.2 Prohibited Uses**

Within a Manufactured home park only these uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park--designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including Manufactured homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof.
3. Building or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than that listed as a permitted use.

#### **Section 14.3 Manufactured Home Park Size**

A Manufactured home park shall contain a minimum of ten acres of land area and 250 feet of road frontage.



#### **Section 14.4 Manufactured Home Park Regulations**

All Manufactured home parks developed in the township shall comply with all state laws for the development and licensing. (Ohio Revised Code 3733 and amendments thereto).

#### **Section 14.5 Manufactured Prohibited - Except**

A trailer coach, garage, basement or temporary structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such use shall not be continued for more than 18 months. A separate zoning permit shall be required for the use of temporary dwelling quarters. Fees shall be in accordance with the provisions of Article 3.12.

On the day a permit is issued for the trailer, a permit for building a home will also be issued at the same time. Construction of the house must begin within 30 days of issuance of said permit. The house construction must be at least 60 percent completed within the first 12 months after the permit is issued. Further, no wheels, hitches, etc., may be removed from the Manufactured home at any time during construction of the house on the property for which the permit has been issued, to make the Manufactured home immovable. A one time only permit will be granted and there will be no variance granted and no extension of time permitted for the use of the Manufactured home to continue and it must be moved off said property completely within 18 months after a permit is issued. Further, if construction on the house has not begun within 30 days after issuance of a permit and temporary permit for Manufactured home, the entire permit is null and void and Manufactured home must be moved immediately.

#### **Section 14.6 Manufactured - Visitors**

Not more than one trailer coach may be temporarily used as a residence by a visitor on occupied property owned, leased, or rented by a resident of the township for a period of 30 days, provided that:

1. Joint application is filed with the zoning inspector by the aforesaid property resident and the trailer coach owner within 72 hours after arrival on the property.
2. All provisions of the Licking County Health Board are complied with.
3. A fee in accordance with the provisions of Article 3.12 has been paid to the zoning inspector who may issue a "Temporary Visitors Zoning Permit" for a period of 30 days, subject to renewal by the Zoning Commission.

## **ARTICLE 15**

### **B-1, LOCAL BUSINESS DISTRICT**

#### **Section 15.0 Purpose**

The purpose of the B-1 District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited.

#### **Section 15.1 Permitted Uses**

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service including: grocery, fruit-vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station; Laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community.
7. Lodge and fraternal organizations.
8. Nursery (plant materials) and or greenhouse.
9. Accessory uses and structures.
10. Auto service station.
11. Business and professional offices.
12. Motels and motor hotels.
13. Manufactured home parks, subject to the provisions of Article 21.
14. Hospital, clinic, nursery, nursing home.
15. Public swimming pool.
16. Mini-Storage

#### **Section 15.1.1 Conditionally Permitted Uses**

1. Skill Games
2. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit
  - a. A conditional use permit is required
  - b. Minimum lot size is 1-1/2 acres
  - c. The outdoor furnace shall be located in rear or side yard
  - d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

#### **Section 15.2 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

#### **Section 15.3 Lot Area, Width, and Depth**

Business Uses: Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of

record.

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

#### **Section 15.4 Required Yard**

All dwellings and permitted uses shall have the following minimum yard spaces:

Front Yard: 50 feet\*  
Side Yard: 40 feet each side  
Rear Yard: 25 feet

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

\*Or 80 feet from the center of the road if no right-of-way has been established.

#### **Section 15.5 Parking Requirements**

Parking requirements shall be as regulated in Article 19 of these regulations.

#### **Section 15.6 Signs**

Signs shall be as regulated in Article 20 of these regulations.

#### **Section 15.7 Landscaping or Screening Provisions**

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

## **ARTICLE 16**

### **B-2, GENERAL BUSINESS DISTRICT**

#### **Section 16.0 Purpose**

The purpose of the B-2 District is to encourage the establishment of areas for general business uses to meet the need of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. B-2 Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

#### **Section 16.1 Permitted Uses**

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. All permitted uses as specified in the Local Business District (B), except item #13 (Manufactured Home Parks, subject to the provisions of Article 21).
6. General auto repair (indoor only).
7. Auto service station.
8. Auto and/or farm implement sales.
9. Taverns, restaurants, or restaurants providing entertainment.
10. Hotels, motels.
11. Commercial and public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.
12. Trade or commercial schools.
13. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
14. Public garages.
15. Boarding houses.
16. Building materials and sales, if conducted entirely in an enclosed building.
17. Accessory buildings and uses.
18. Mini-Storage

#### **Section 16.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Veterinary hospital, clinic, kennel, and/or cattery.
2. Marinas.
3. Watercraft and/or recreational vehicle storage.
4. Radio or television broadcasting station and towers, (applies to commercial stations and equipment only).
5. Airports-heliports (private and governmental).
6. Private recreational camps.
7. Skill Games
8. Outdoor furnaces may be used as an alternative heating source after applying for and obtaining a conditional use permit

- a. A conditional use permit is required
- b. Minimum lot size is 1-1/2 acres
- c. The outdoor furnace shall be located in rear or side yard
- d. The outdoor furnace shall be located no less than 50 feet from the nearest property line

**Section 16.3 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

**Section 16.4 Lot Area, Width and Depth**

Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one acre (43,560 square feet) exclusive of road right-of-way and shall be in addition to any easement of record.

**Section 16.5 Required Yard**

Front Yard: There shall be a front yard of not less than 50 feet in depth.

Side Yard: There shall be a side yard of not less than 40 feet.

**Section 16.6 Parking Requirements**

Parking requirements shall be regulated in Article 19 of these regulations.

**Section 16.7 Signs**

Signs shall be as regulated in Article 20 of these regulations.

**Section 16.8 Landscaping or Screening Provisions**

Same as Section 15.7.

## **ARTICLE 17**

### **M-1, LIGHT MANUFACTURING DISTRICT**

#### **Section 17.0 Purpose**

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

#### **Section 17.1 Permitted Uses**

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing.
4. Paper, printing and associated products.
5. Cleaning, dyeing, and similar services.
6. Food products.
7. Poultry, horticulture and forestry facilities.
8. Machinery, office equipment and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Non-metallic goods manufacturing.
12. Household appliances and vehicle services, storage and maintenance.
13. Mini-Storage

#### **Section 17.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Metal can and containers manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).

#### **Section 17.3 Height Limit**

No building shall be erected or enlarged to exceed 2 1/2 stories or 35 feet.

#### **Section 17.4 Lot Area, Width and Depth**

Every lot shall have a minimum width of 100 feet and a minimum lot area of not less than one acre (43,560 square feet) in area, exclusive of road right-of-way and shall be in addition to any easements of record.



### **Section 17.5 Required Yard**

Front Yard: There shall be a front yard of not less than 50 feet in depth.

Side Yard: There shall be a side yard of not less than 40 feet.

Rear Yard: There shall be a rear yard of not less than 40 feet.

### **Section 17.6 Parking Requirements**

Parking requirements shall be as regulated in Article 19 of these regulations.

### **Section 17.7 Signs**

Signs shall be as regulated in Article 20 of these regulations.

### **Section 17.8 Screening**

Industrial districts shall employ proper screening methods when such zoned districts abut any other zoned district. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of strip of land not less than 20 feet in width, planted with evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

## ARTICLE 18

### **SUPPLEMENTARY DISTRICT REGULATIONS**

#### **Section 18.0 General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

#### **Section 18.1 Conversion of Dwelling to More Units**

A residence may not be converted to accommodate increased number dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions.

#### **Section 18.2 Private Swimming Pools**

No private swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of occupants of the principal use of the property on which it is located.
2. It may not be located closer than ten feet to any property line.
3. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.

#### **Section 18.3 Community or Club Swimming Pools**

Community and club swimming pools where permitted shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked.

## **Section 18.4 Temporary Building**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector.

### **Section 18.4.1 Portable Storage Structures**

1. Temporary structure including portable storage structures, incidental to construction of building or structures with an active building permit are allowed provided such structures shall be removed following completion or abandonment of such construction.
2. One portable storage structure may be placed on a residential lot without an active building permit, however a temporary permit is required and subject to the following conditions and limitations:
  - a. Prior to placement of the portable storage structure on the lot, the property owner shall apply for and obtain a Temporary Permit from the zoning inspector.
  - b. Multi-family dwellings are allowed one (1) portable storage structure per dwelling unit and the portable storage structure shall not be placed in required parking spaces or in required landscaped areas.
  - c. The temporary permit for the portable storage for each residential lot is limited to a maximum of three (3) thirty (30) day permits within any twelve (12) month period.
  - d. The portable storage structure shall be set back a minimum of ten (10) feet from the front property line and a minimum of five (5) feet from the side and rear property lines and if placed in a front yard shall not obscure vision from adjacent properties.
  - e. The portable storage structures shall not encroach on public property or public right of way.
  - f. No mechanical, plumbing, or electrical connections are to be made to the portable storage structure.
  - g. The portable storage structure shall have clearly posted on the exterior of the unit a copy of the current permit issued for the portable storage structure.
  - h. The temporary permit approval for the portable storage structure may be revoked by the structure resulting in unsafe or unsanitary conditions on site or upon violation of any of the conditions or limitations stated herein.

## **Section 18.5 Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license.

### **Section 18.6 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

### **Section 18.7 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Sections 10.10 through 10.17, inclusive shall be used for interpretation and clarification.

### **Section 18.8 Setback Requirements for Corner Buildings**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

### **Section 18.9 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of 2 1/2 and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining along said street lines 50 feet from the point of intersection.

### **Section 18.10 Fence and Wall Restrictions in Front Yards**

No fence or wall of over 2.5 feet in height and not hedge or other vegetation shall be permitted in the front yard of a residence where said fence, hedge, or vegetation materially impedes vision across such a front yard. The front yard is the section of the lot between the edge of the road right-of-way and within the required front yard established by the district regulations. If no right-of-way is established, the front yard measurement shall be made from the centerline of the road plus thirty (30 feet), unless a greater road right-of-way is required by the township, county, or state.

Fences in the front yard may be constructed of chain link, woven wire (not high tensile), split-rail wood pickets, masonry, or solid fencing (no wooden pallets). Front yard fencing must be maintained in good condition and be free of all advertising or other signs. No Trespassing and Beware of Dog Signs shall be permitted, but shall not exceed 12" x 12" in size. Fencing shall not obscure traffic visibility entering or existing a driveway.

#### **Section 18.11 Yard Requirements for Multi-Family Dwellings**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

#### **Section 18.12 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

Non-residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen shrub not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 50 feet of an intersection.

#### **Section 18.13 Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

#### **Section 18.14 Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

#### **Section 18.15 Special Provisions for Commercial and Industrial Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 18.15 through 18.25, inclusive.

#### **Section 18.16 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

#### **Section 18.17 Radio activities or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

#### **Section 18.18 Noises**

Objectionable noise as determined by the Zoning Inspector, which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for the public purposes are exempt from these requirements.

#### **Section 18.19 Vibrations**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

#### **Section 18.20 Air Pollution**

The Director of the Ohio Environmental Protection Agency shall subject to the requirements and regulations establish air pollution.

#### **Section 18.21 Glares**

No director or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

#### **Section 18.22 Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

#### **Section 18.23 Water Pollution**

The Director of the Ohio Environmental Protection Agency shall subject to the requirements and regulations establish water pollution.

#### **Section 18.24 Enforcement Provisions**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statement and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

#### **Section 18.25 Measurement Procedures**

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American National Standards Institute Inc., New York, The Chemical Manufacturing Association, Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

### **Section 18.26 Street Frontage Required**

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street. Only one principal structure shall be permitted on any lot. The minimum road frontage requirement for lot fronting on a cul-de-sac shall be 40 feet.

### **Section 18.27 Lot Reductions for Business and Manufacturing Districts**

#### **B-1, B-2, and M-1 Districts**

1. Sewage and Water Available

|                   |                    |
|-------------------|--------------------|
| Minimum Lot Area  | 15,000 square feet |
| Minimum Lot Width | 100 feet           |
2. Water Available

|                   |                    |
|-------------------|--------------------|
| Minimum Lot Area  | 45,000 square feet |
| Minimum Lot Width | 150 feet           |
3. Sewerage Available

|                   |                    |
|-------------------|--------------------|
| Minimum Lot Area  | 20,000 square feet |
| Minimum Lot Width | 150 feet           |

### **Section 18.28 Home, Yard, and Garage Sales**

Home sales within Newton Township, shall be regulated on only that property which is zoned AG (Agricultural, R-1 (Single-Family Residence District), R-2 (General Residence District), R-3 (Medium-Density Residence District), and MHP (Manufactured Home Park District). The township believes that home sales should be uniformly regulated throughout the township, regardless of the zoning requirements of the area upon which such sales are conducted.

"Home sales" shall mean a sale of tangible personal property to the public conducted on any portion of any residential property within the Township of Newton and shall include, but not be limited to garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, and the like.

**Intent.** It is the intent of this resolution to regulate, restrict and control home sales conducted in any location within the Township of Newton. This section shall not apply to sales conducted by businesses, even though located in residential areas, and shall not apply to auction sales.

**Permit Required.** No person shall conduct a home sale within the Township of Newton without first obtaining a permit therefore from the Zoning Inspector, as hereinafter provided.

**Permit Application.** The application for the permit required in the preceding paragraph shall contain the name and residence address of the applicant, the address where the personal property is to be offered for sale, the dates on which the sale shall be conducted, a general description of all the tangible personal property to be included in the sale, and a statement as to whether or not such tangible personal property belongs exclusively to the applicant and, if not, the names and address of the other owners. In addition, the application shall contain a space for a written acknowledgment by the applicant that he is fully aware of the provisions of this section, that he agrees to abide by said requirements, and that he understands that he may be penalized under the provisions of Section 3.11 of this resolution for failure to comply with the requirements of said resolution.

**Permits and Fees - Effective Date of Permit.** A fee shall be charged for each permit. Each home sale permit shall be valid for not more than five consecutive calendar days and shall be issued only to an adult person residing at the location of the sale or, in the case of an estate sale to the personal representative or an adult heir of the decedent. No permit shall be issued for any one location more than once in any 30 days period. No home sale may be conducted on any other property than that at which the applicant resides.

**Advertising and Promoting Home Sales.**

1. No person shall place or display, or permit another to place or display, any tangible personal property to be sold at a home sale in front of the building setback line of the location upon which such property is to be or is being sold. The building setback line shall be determined from the zoning laws in force at the time of the sale.
2. No person shall place, erect, or display, or permit another to place, erect, or display any sign, placard, or other advertising, which promotes or gives directions to a home sale unless all of the following are observed:
  - a. The sign, placard, or other advertising not to exceed four square feet in area shall be placed, erected, or displayed only on the property upon which the home sale is taking place, or, if on property other than upon which the home sale is taking place, only with the prior written consent of the owner or owners of such other property.
  - b. The sign, placard, or other advertising shall not be placed in a public right-of-way or attached to any pole, building, or other temporary or permanent structure, device, tree, or other object within the public right-of-way.
  - c. The sign, placard, or other advertising shall be first erected no sooner than 8:00 AM on the last date of said home sale as authorized under the permit issued in accordance with this resolution.

**Hours and Merchandise Permitted** In no event shall any home sale be commenced earlier than 8:00 AM or last later than 8:00 PM on each day during the period for which the permit is issued. No home sale shall offer any merchandise for sale that has been purchased for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of merchandise purchased for resale at such home sale. Crafts made by the resident shall be considered tangible personal property.

**Display of Permit.** The permit required by the Permit Required paragraph shall be kept posted in a prominent place upon the premises set forth therein during the entire duration of the sale.

**Constructive Knowledge of Law.** Each person who conducts or attempts to conduct a home sale is deemed to have constructive knowledge of the requirements and prohibitions of this resolution.

**Penalties and Appeals.**

1. The Zoning Inspector shall revoke any home sale permit issued pursuant to this resolution upon determining that the permitted has falsified an application for a home sale permit or has otherwise knowingly violated any of the provisions of the home sale section.
2. The Zoning Inspector may revoke any home sale permit issued pursuant to this resolution upon determining that the permitted has violated any of the provisions of this resolution.
3. Any person who conducts or attempts to conduct a home sale without first obtaining a permit as required by this resolution, shall be in violation of the resolution (Section 3.11). Conducting or attempting to conduct a home sale without a permit shall constitute a separate offense for each day during which the person conducts or attempts to conduct a home sale without first obtaining the necessary permit.



### **Section 18.29 Junk Yards**

Junkyards are prohibited when they are determined to be a junkyard as defined in this resolution. Any area that meets this definition requires a Conditional Use Permit as defined in Section 5.21 of this resolution. Should the Conditional Use Permit be denied, and then the area will be modified within 30 days of the date of the Conditional Use Permit denial, to a state that will be as such not to fall into the definition of a junkyard.

### **Section 18.30 Junk Motor Vehicle**

For the purpose of this section, "junk motor vehicle" means any other vehicle, which is:

1. Three years old or older.
2. Extensively damaged; such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
3. Apparently inoperable, that is left uncovered in the open of private property for more than 72 hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution.

The Zoning Inspector of Newton Township may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

Any person wishing to appeal the decision of the provisions of this section may appeal such decision to the Newton Township Board of Zoning Appeals in accordance with Section 5.9 and 5.14 through 5.17.

When the Board of Zoning Appeals is asked to make a determination concerning the value of a vehicle determined by the Zoning Inspector to be a junk motor vehicle, the Board shall base its decision on the fair market value of the vehicle for its use as a vehicle and not based upon its' salvage value.

Vehicles undergoing legitimate repairs in a timely and consistent manner shall be exempt from the provisions of this Section 18.30.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this zoning resolution.

### **Section 18.31 Vacant Structures and Land**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as to not cause an adverse affect on the public health or safety.

### **Section 18.32 Noxious Weeds**

All areas shall be kept free from weeds or plant growth, which are noxious or detrimental to the public health and welfare or a public nuisance as defined in Article 2. These regulations shall apply to all zoning districts, except agricultural.

### **Section 18.33 Accessory Buildings**

There shall be permitted one residential dwelling unit and one attached or detached garage on all residential lots in the R-1, R-2, R-3 and R-S districts. There shall be permitted one accessory structure, in addition to a garage, on the same lot. The accessory structure shall not be more than 20' feet in height from the peak of the roof and no more than 26 feet by 32 feet. No accessory structures shall be placed in the front yard.

All detached accessory structures must meet the following yard requirements based on the extension of the overhang, rather than the vertical wall:

Side Yard: Minimum of 10 feet  
Rear Yard: Minimum of 10 feet

In all districts, any attached garage(s), carport(s), or accessory building(s) shall meet all yard setback requirements of the district, which apply to the principal building.

In all districts, all detached accessory buildings or structures containing more than 144 square feet shall be permanently affixed to the ground.

In all accessory buildings within the (B-1), General Business (B-2) and Manufacturing (M-1) District shall meet all yard requirements and shall not exceed the height requirement of such district.

In R-1, R-2, R-3 and R-S Districts, a residential dwelling must exist on the lot before an accessory building can be placed on the lot.

### **Section 18.34 Satellite Dish Antennas**

Definitions of dish-type satellite signal-receiving antennas are as follows:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:
  - a. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  - c. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

#### **Ground Mounted**

1. No earth station shall be constructed in any front yard in any residential area. However, they may be located in the side yard or rear of the residence or main structure.
2. No earth station, including its concrete base, slab, or other sub-structure, shall be constructed within a distance of less than eight feet from any property line or easement. Same as accessory building(s).
3. All earth stations must be bonded to a grounding rod.

4. No earth station shall be constructed upon any rooftop of any building, garage, residential dwelling, church, school, apartment building, or any other structure unless the satellite dish antenna complies with roof mounting regulations herein described.

#### Roof Mounted

1. Earth stations shall be mounted directly upon the roof of a primary structure or accessory structure. They may not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
2. No earth station shall exceed the height of six feet above the roof upon which it is mounted.
3. All earth stations shall be bonded to a grounding rod. Violations of these provisions shall be subject to Section 3.11.
4. Any appeals of the decisions of the Zoning Inspector may be made to the Board of Zoning Appeals as provided in this resolution.

#### **Section 18.35 - Adult Entertainment Facilities Definitions**

1. "Adult Entertainment Facility" means any establishment, which is involved in one or more of the following listed categories:
  - a. Adult Book Store: An establishment having greater than 25 percent of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
  - b. Adult Mini-Motion Picture Theater: A facility with a capacity of less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
  - c. Adult Motion Picture Theater: A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - d. Adult Entertainment Business: Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions, which utilize activities as specified above.
2. "Specified Sexual Activities" means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. "Specified Anatomical Areas" means any of the following:
  - a. Less than completely covered, by non-transparent material, human genitals, pubic region, buttocks, and female breasts below a point immediately above the tope of the areola.
  - b. Human male genitals in a discernible turgid state.
4. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.
8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or grounds for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Direct or circumstantial evidence, or both may prove such knowledge.
10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
  - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
  - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way, which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
  - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, education, or scientific value for juveniles.

## **Exceptions**

Nothing in this article shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work or art, book, magazine, or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supports by public appropriate or which is an accredited institution supported by private funds.

## **Location**

1. Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters and adult entertainment facilities of any kind or type are permitted only in a M-2 zoning district under the classification of Section 19.2, Conditional Uses Permitted. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Newton Township.
2. Adult motion picture theaters, or adult book stores, shall not be located within 1,000 feet of any residential zone, single or multiple family dwelling, church, park or school.

### **Unlawful Exhibition or Display of Harmful Material to Juveniles**

No person having custody, control, or supervision, or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

1. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
2. Visibly display, exhibit, or otherwise expose to review, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
3. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

### **Section 18.36 Environmental Requirements**

1. The provisions of this Article shall govern the minimum conditions for maintenance of exterior property. All premises, structures and land in Newton Township shall comply with the conditions herein prescribed insofar as they are applicable.
  1. The owner of the premises shall be responsible for maintenance of all structures and premises in compliance with these requirements.
  2. All structures and premises or vacant land located in Newton Township shall be maintained in a clean, safe, secured and sanitary condition free from any accumulation of rubbish or garbage as provided herein as to not cause an adverse affect on the public health and safety.
  3. No person shall accumulate rubbish, garbage, boxes, lumber, scrap metal or any other material in such a manner that may provide a rodent harborage in or about any structure or any property located in Newton Township. All materials stored must be palletized in a manner to comply with the Licking County Department of Health regulations.
  4. The Newton Township Zoning Inspector shall investigate possible violations of this section. Upon determination of a violation, the Zoning Inspector shall notify the property owner as listed in the current property tax records of the Licking County Treasurer, for that property, by certified mail of the violation steps which must be taken to correct the situation. If the notification is not deliverable by certified mail, then notice of violation will be deemed to be delivered after publication once in a paper of general circulation in the county. Failure to correct the violation within 10 (ten) days of either mailing of this notice or of completion of publication in a paper of general circulation in Newton Township shall constitute a violation of this zoning ordinance punishable in accordance with Section 3.11. Each additional day of failure to correct this violation, shall be considered to be a new violation for enforcement purposes.

**Section 18.37      Towers, Antennas or similar structures or appurtenances**

Microwave or radio transmission towers for cellular telephone and/or other similar communication systems, including radar and satellite receiving devices or any other type of antenna, tower or other man-made structures built for any private or public utility purposes shall be excluded in all Residential Districts under Section 519.211 of the Ohio Revised Code.

**Violation and Penalty**

Whoever violates any provisions of this article shall be guilty of a misdemeanor of the first degree.

## **ARTICLE 19**

### **OFF-STREET PARKING AND LOADING FACILITIES**

#### **Section 19.0 General Requirements**

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution.
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) percent or more on floor area, the number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### **Section 19.1 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 19.17 of this resolution.

#### **Section 19.2 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height or clearance of not less than fifteen (15) feet. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupant requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One (1) loading space shall be provided for each additional ten thousand (10,000) square feet or fractions thereof.

#### **Section 19.3 Paving**

The required number of parking and loading spaces as set forth in Section 19.2 and 19.17, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

#### **Section 19.4 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water into adjacent properties or walkways.

### **Section 19.5 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

### **Section 19.6 Lighting**

Any parking area, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

### **Section 19.7 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces and all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use.

### **Section 19.8 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district, it may be effectively screened on all sides, which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot lines of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purposes, then no such fence, wall, or planting screen and landscaping shall be required.

### **Section 19.9 Disabled Vehicles**

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or accessory building.

### **Section 19.10 Minimum Distance and Setbacks**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

### **Section 19.11 Joint Uses**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the zoning inspector shall be filed with the application for a zoning permit.



### **Section 19.12 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parking vehicle from extending beyond the property line.

### **Section 19.13 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

### **Section 19.14 Accesses**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

### **Section 19.15 Width of Access Driveway**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards; for one-way traffic and minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for the two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

### **Section 19.16 Striping**

All parking areas with capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

### **Section 19.17 Parking Space Requirements**

For the purpose of this resolution the following minimum parking space requirements shall apply:

| TYPE OF USE                                                                                       | MINIMUM PARKING SPACES REQUIRED                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential</b>                                                                                |                                                                                                                                                                                 |
| 1. Single-family or two-family dwellings.                                                         | Two for each unit.                                                                                                                                                              |
| 2. Apartments, or multi-family dwellings.                                                         | Two for each unit.                                                                                                                                                              |
| 3. Boarding houses, rooming houses, dormitories and fraternity houses, which have sleeping rooms. | One for each sleeping room or two for each permanent occupant.                                                                                                                  |
| 4. Mobile homes.                                                                                  | Two for each unit.                                                                                                                                                              |
| <b>Commercial</b>                                                                                 |                                                                                                                                                                                 |
| 1. Automobile service garage which also provides repair.                                          | Two for each gasoline pump and four for each service bay.                                                                                                                       |
| 2. Hotels, motels.                                                                                | One for each sleeping room plus one space for each two employees.                                                                                                               |
| 3. Funeral parlors, mortuaries and similar type uses.                                             | One for each one-hundred (100) square feet of floor area in slumber rooms, parlors, or service rooms.                                                                           |
| <b>Recreational or Entertainment</b>                                                              |                                                                                                                                                                                 |
| 1. Dining rooms, restaurants, taverns, night clubs, etc.                                          | One for each two-hundred (200) square feet of floor area.                                                                                                                       |
| 2. Bowling alleys.                                                                                | Four for each alley or lane plus one additional space for each one hundred (100) square feet of area used for restaurant, cocktail lounge, or similar uses.                     |
| 3. Dance floors, skating rinks.                                                                   | One for each one hundred (100) square feet of floor area used for the activity.                                                                                                 |
| 4. Outdoor swimming pools, public or community or club.                                           | One for each five (5) persons capacity, plus one for each four (4) seats or one for each thirty (30) square feet of floor area used for seating purposes, whichever is greater. |

| TYPE OF USE |                                                                                | MINIMUM PARKING SPACES REQUIRED                                 |
|-------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 5.          | Auditoriums, sport arenas, theaters, and similar uses.                         | One for each four (4) seats.                                    |
| 6.          | Retail stores.                                                                 | One for each two hundred fifty (250) square feet of floor area. |
| 7.          | Banks, financial institutions, and similar uses.                               | One for each two hundred fifty (250) square feet of floor area. |
| 8.          | Offices, public or professional, administration, or service buildings.         | One for each two hundred fifty (250) square feet of floor area. |
| 9.          | All other types of business or commercial uses permitted in business district. | One for each three hundred (300) square feet of floor area.     |

#### **Institutional**

|    |                                                                           |                                                                                                                      |
|----|---------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 1. | Churches and other places of religious assembly.                          | One for each five (5) seats.                                                                                         |
| 2. | Hospitals.                                                                | One for each bed.                                                                                                    |
| 3. | Sanitariums, home for the aged, nursing homes, asylums, and similar uses. | One for each two beds.                                                                                               |
| 4. | Medical and dental clinics.                                               | One for every two hundred (200) square feet of floor area of examination or treating room, office, and waiting room. |
| 5. | Libraries, museums, and art square feet of floor area.                    | One for each four hundred (400) galleries.                                                                           |

| TYPE OF USE                                    |                                     | MINIMUM PARKING SPACES REQUIRED                                                               |
|------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Schools (Public, Parochial, or Private)</b> |                                     |                                                                                               |
| 1.                                             | Elementary and junior high schools. | Two for each classroom and one for every eight (8) seats in the auditorium or assembly halls. |
| 2.                                             | High schools.                       | One for every ten (10) students and one for each teacher and employee.                        |

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|       | TYPE OF USE                                                           | MINIMUM PARKING SPACES REQUIRED                                     |
|-------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| <hr/> |                                                                       |                                                                     |
| 3.    | Business, technical and trade schools.                                | One for each two (2) students.                                      |
| 4.    | Colleges, universities.                                               | One for each four (4) students.                                     |
| 5.    | Kindergartens, child care centers, nursery schools, and similar uses. | Two for each classroom, but not less than six (6) for the building. |

### **Manufacturing**

- |    |                                                                                                  |                                                                                                                                                       |
|----|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | All types of manufacturing, storage, and wholesale uses permitted in the manufacturing district. | One for every two (2) employees (on the largest shift for which the building is designed) plus one for each motor vehicles used in the business.      |
| 2. | Cartage, express, parcel delivery, and freight terminals.                                        | One for every two (2) employees (on the largest shift for which the building is designed) plus one for each motor vehicle maintained on the premises. |

### **General Interpretation of Article 19**

In the interpretation of Article 19, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board upon an appeal from a decision of the zoning inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the zoning inspector.

## ARTICLE 20

### SIGNS

#### **Section 20.0 Intent**

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

#### **Section 20.1 Governmental Signs Excluded**

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

#### **Section 20.2 General Requirements for all Signs and Districts**

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

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illuminate there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. All wiring, fitting, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Local or State Electric Code.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel, or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 20.4 herein.
5. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, as strings of lights, shall not be used for the purpose of advertising or attracting when not part of a sign.
6. No sign or any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
8. All off-premises advertising devices shall be prohibited. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs. Directional signs shall be permitted on private property, subject to the following rules and regulations:
  - a. No directional signs shall be permitted upon road or highway right of way.
  - b. All directional signs, which are placed upon private property, must be placed with written consent of owner of said property.

- c. All directional signs shall be limited to and shall not exceed more than three square feet. Signs may not contain any type of advertising and shall contain only the name of the company and the direction to the company place of business.
- d. All directional signs must be attached to its own support and all such supports must be maintained in good condition. Lopsided and sagging signs shall not be permitted. No sign shall be attached to any pole for any utility, any fence, etc.
- e. All directional signs must be maintained in good repair and must be completely removed when no longer in use.
- f. All directional signs shall require a permit.
- g. There shall be a maximum limit of three signs permitted for any business. Signs may be painted on either or both sides.
- h. There shall be a maximum limit of one sign per business permitted at any one location.
- 9. The following are prohibited:
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices, which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
  - c. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with imitate or resemble an official sign, signal, or device.
- 10. In case of temporary road closing, temporary directional signs are permitted in accordance with the rules outlined in Section 20.2. However, all temporary directional signs must be completely removed within five days after re-opening of the closed road. All such temporary directional signs and applicant must comply with all regulations as outlined in Section 20.2.

### **Section 20.3 Measurement of Sign Area**

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

### **Section 20.4 Signs Permitted in All Districts - No Permit Required**

- 1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
- 2. Professional name plates or home occupation signs not exceeding four square feet in area and not exceeding one sign per home or business.
- 3. Non-farm signs denoting the name and address of the occupant of the premises, not exceeding four square feet in area; and not exceeding one sign per home or business.
- 4. Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm.
- 5. Signs or bulletin boards customarily incidental to places of workshop, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 30 square feet in area which shall be located on the premises of such institutions and shall be setback from all street lot lines at least 12 feet.
- 6. Entrance and exit signs containing only directional signs.
- 7. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two weeks of the completion of the event or project.
- 8. Political signs provided such signs should be removed within two weeks following Election Day.

## **Section 20.5 Signs Permitted in Districts - Permits Required**

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Project of wall signs shall not exceed four feet measured from the face of the main building, not ten square feet on any one face of the sign. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to 1 1/2 square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of 100 square feet.
2. In addition to the above, each business or industry shall be permitted one on-premises ground sign provided all parts of the sign shall be setback ten feet from the street right-of-way. The maximum area of such sign shall not exceed 30 square feet on any face of the sign.
3. In addition to the above, each business or industry shall be permitted two on-premise free standing signs not exceeding eight feet in height or 12 square feet in area on any face of the sign. Such signs shall not be located closer than 20 feet from any right-of-way line. Such signs shall not exceed 25 feet in height.
4. In lieu of the permitted ground signs as permitted in Item 2 above, groups of establishments of four or more businesses shall be permitted on larger ground signs for all businesses. Such signs shall not exceed 80 square feet on any face nor exceed 30 feet in height and shall be setback at least 20 feet from the street right-of-way.

### **Section 20.5.1 Outdoor Advertising Displays and / or Billboards**

1. Outdoor advertising shall be classified as a business use and shall be permitted in all commercial and manufacturing districts and / or lands used for agricultural purposes, subject to the following regulation:
  - a. Such displays or billboards shall not be located within 150 feet of any street or road right of way.
  - b. Such displays or billboards shall not be located within 2500 feet of any other advertising display or billboard on the same or opposite side of the street or road.
  - c. Such displays or billboards shall not be located on or within 1000 feet of any building.
  - d. Such displays or billboards shall not be more than 100 square feet on one (1) face and / or 200 square feet on two (2) faces total. In no case shall more than 100 square feet of display or sign area be visible from any road or street.
  - e. Such displays or billboards shall not exceed 30 feet in height from the existing road grade.
  - f. Outdoor advertising displays and / or billboard shall not be permitted in residential zoned districts or within 1000 feet of any residential zoned district or a single family residence.

In addition to the regulation provided in Paragraphs 1(a) through 1(f) the following regulations apply to digital / electronic billboards:

- Such outdoor advertising device(s) consisting of a variable message advertising device(s) which is changeable and / or digital sign shall contain a static message(s) only. Such advertising devices may not have movement or the appearance of or illusion of movement of any part of the sign structure or pictorial segment of the advertising device, including movement of any illumination or flashing or varying of light intensity.
- Each message or copy shall remain fixed for at least ten (10) seconds.
- Such advertising device shall contain a default, which in the event of a malfunction, will freeze to a single display.

2. There is a fee for issuance of a permit to erect an outdoor advertising display and / or billboard.
3. Advertising devices adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516, as amended, shall be permitted in accord with those state laws.

### **Section 20.6 Setbacks for Public and Quasi-public Signs**

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

### **Section 20.7 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 20 feet of a side or rear lot line.

### **Section 20.8 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of these terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Section 3.11 of this resolution. Political signs posted in violation of Section 20.4 of this resolution are subject to removal by the Zoning Inspector five days after written notice of violation of Section 20.4 has been given.

### **Section 20.9 Maintenance and Removal**

1. All signs and sign structures shall be kept in repair and in a proper state of preservation. If the Zoning Inspector shall find that any sign or sign structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this resolution, he shall give written notice by certified mail to the permitted of one exists and can be notified, or in the event no permitted exists, then the property owner on whose property and sign exists. If the permitted or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within 14 days after such notice, such sign structure may be removed or altered to comply by the Inspector at the expense of the permitted or owner of the property upon which it is located.
2. Signs which are no longer functional, or are abandoned, or which are a bona fide business conducted, product sold or activity or campaign being conducted, shall be taken down and removed by the permitted if one exists or in the event no permitted, then the property owner on whose property the sign exists then within 14 days after written notification by certified mail from the Zoning Inspector and, upon failure to comply with such notice within the time specified in such order, the Zoning Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the permitted or owner of the property.

### **Section 20.10 Responsibilities**

The property owner shall be held responsible for the removal and disposal of all abandoned signs including the blocking out of painted wall signs. The owners of the sign shall be held responsible for the maintenance, repair, and upkeep of any signs on his premises. If any sign reaches a state of despair and is deemed unsightly or unsafe by the Zoning Inspector and is not properly renovated, it shall be condemned and



an order issued for removal immediately at the expense of the permitted and/or property owner.

## **ARTICLE 21**

### **PLANNED UNIT DEVELOPMENT**

#### **Section 21.0 Objectives for Planned Unit Development**

It shall be the policy of the Township of Newton, to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of opens space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic, vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The township is also prepared to accept a greater population density in undeveloped area than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

#### **Section 21.1 Provisions Governing Planned Unit Development**

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this resolution, the provisions of this article shall be governed by the respective provisions found elsewhere in this resolution.

#### **Section 21.2 Conflict and Interpretation**

In accordance with Section 1.1 of this resolution, Article 21 is declared to be the minimum requirements applicable to planned unit developments in any interpretation and promotion of the public health, safety, and general welfare of the community. Whenever the requirements of this resolution are at a variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standard(s) shall govern.

#### **Section 21.3 Uses Permitted**

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PUD Districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial and/or industrial uses in a residential-commercial-industrial or the Zoning Commission, Board of Township Trustees, shall determine residential-commercial development.

#### **Section 21.4 Minimum Project Area**

The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

| <u>Type of<br/>Planned Unit Development</u> | <u>(Acres)<br/>Minimum Area</u> |
|---------------------------------------------|---------------------------------|
| Residential                                 | 40                              |
| Commercial                                  | 10                              |
| Industrial                                  | 30                              |
| Residential-Commercial                      | 40                              |
| Commercial-Industrial                       | 40                              |
| Residential-Commercial-<br>Industrial       | 40                              |

When the PUD is a mixture of uses no more than 8 percent of the tract may be devoted to neither commercial activities nor more than 12 percent of tract to industrial activities.

#### **Section 21.5 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

#### **Section 21.6 Common Open Space**

A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or suers of the area being developed. The open space shall be disposed of as required in Section 21.7 of this resolution.

#### **Section 21.7 Disposition of Open Space**

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each other who buys property within the development or be dedicated to the county or township and retained as common open space for parks, recreation, and related uses. All land dedicated to the county or township must meet the Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the county or township unless such land or right-of-way is usable as a trial or other similar purpose and approved by the Zoning Commission. The developer before approval of the final development plan shall specify the responsibility for the maintenance of all open spaces.

#### **Section 21.8 Utility Requirements**

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems that can be effectively screened may be expected from these requirements of the Zoning Commission. The developer before approval of the final development plan shall specify the responsibility for the maintenance of all open space.

### **Section 21.9 Minimum Lot Sizes**

1. Lot area per dwelling unit may be reduced by not more than 40 percent of the minimum lot area required in the Official Schedule of District Regulations.
2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

### **Section 21.10 Lots to Abut Upon Common Open Space**

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight townhouse units in any contiguous group.

### **Section 21.11 Height Requirements**

For each foot of building height over the maximum height regulations specified in Article 9 through 17, the distance between such buildings and the side and rear property liens of the planned unit development project area shall be increased by a one foot addition to the side and rear yard required in the districts.

### **Section 21.12 Parking**

Off-street parking, loading, and service areas shall be provided in accordance with Article 11 of this resolution. However, off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

### **Section 21.13 Arrangements of Commercial Uses**

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission.

### **Section 21.14 Arrangements of Industrial Uses**

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as area required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through

traffic.

Project side yards of 40 feet and a rear yard of 50 feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

### **Section 21.15 Procedures for Approval of PUD District**

Planned unit development districts shall be approved in accordance with the procedures in Sections 21.16 through 21.29.

### **Section 21.16 Pre-Application Meeting**

The developer shall meet with the Zoning Inspector and Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county, and the township.

### **Section 21.17 Contents of Application for Approval of Preliminary Development Plan**

At least one owner or lessee of property for which the planned unit development is proposed shall file an application for preliminary planned unit development with the chairman of the Zoning Commission. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant.
2. Name, address and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
3. Legal description of existing use.
4. Description of existing use.
5. Zoning district(s).
6. A vicinity map at a scale approved by the Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services.
7. A preliminary development plan at a scale approved by the Commission showing topography at two foot intervals, location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Zoning Commission deems necessary.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five years.

The application for the preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reason why, in his opinion, the planned unit development would be in the public interest and would be consistent with the township statement of objectives for planned unit development in Section 21.0 of this resolution.

### **Section 21.18 Public Hearing by Zoning Commission**

Within 30 days after receipt of the preliminary development plan, the Zoning Commission shall hold a public hearing.

### **Section 21.19 Notice of Public Hearing by Zoning Commission in Newspaper**

Before holding a public hearing provided in Section 21.18, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least 20 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

### **Section 21.20 Notices to Property Owners by Zoning Commission**

Before holding the public hearing required in Section 21.18, written notice of such hearing shall be sent by the chairman of the Zoning Commission by first class mail, at least 20 days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 21.19.

### **Section 21.21 Approvals in Principle by Zoning Commission**

Within 30 days after the public hearing required by Section 21.18, the Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this resolution whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationships with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Zoning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

### **Section 21.22 Final Development Plan**

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

### **Section 21.23 Contents of Application for Approval of Final Development Plan**

At least one owner or lessee or property for which the planned unit development is proposed shall file an application for approval of the final development plan with the chairman of the Zoning Commission. The owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan, shall sign each application. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within five years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolutions governing development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship.
6. Preliminary building plans, including floor plans and exterior elevations.
7. Landscaping plans.
8. Deed restrictions, protective covenants, and other legal statements and maintenance of the land, and the improvements thereon, including those areas, which are to be commonly owned and maintained.

#### **Section 21.24 Public Hearing by Zoning Commission**

Within 30 days after submission of the final development plan, the Zoning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Sections 21.19 and 21.20.

#### **Section 21.25 Recommendations by Zoning Commission**

Within 60 days after receipt of the final development plan, the Zoning Commission shall recommend to the Board of Township Trustees that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Zoning Commission shall then transmit all papers constituting record and the recommendations to the Board of Township Trustees.

#### **Section 21.26 Criteria for Recommendations by Zoning Commission**

Before making its recommendation as required in Section 21.25, the Zoning Commission shall find that the facts submitted within the application and presented at the public hearing establish that:

1. The proposed development can be initiated within five years of the date of approval.
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as to overload the street network outside the planned unit development.
4. Any proposed commercial development can be justified at the locations proposed.
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development and the adopted policy of the Zoning Commission and the

Board of Township Trustees.

6. The area surrounding said development could be planned and zoned in coordination and substantial compatibility with the proposed development.
7. The planned unit development is in general conformance with the comprehensive plan of the township.
8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

The Zoning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

#### **Section 21.27 Actions by Board of Township Trustees**

Within 60 days after receipt of the final recommendation of the Commission, the Board of Township Trustees shall by resolution approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

#### **Section 21.28 Supplementary Conditions and Safeguards**

In approving any planned unit development district, the Board of Township Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution and punishable under Section 3.11 of this resolution.

#### **Section 21.29 Expiration and Extension of Approval Period**

The approval of the final development plan for a planned unit development district shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of time limit or modification of the approved final development plan may be approved if the Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.



## ARTICLE 22

### EXTRACTION OF MINERALS

#### **Section 22.0 General Requirements**

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

1. Distance From Property Lines: No quarrying operation shall be carried on or any stock pile place closer than 75 feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirements may be reduced to 50 feet by written consent of the owner or owners of the abutting property.
2. Distance From Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 50 feet to the nearest line of such right-of-way.
3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of type specified by the Board.
4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or the Township Trustees may specify other treatment as.
5. Processing: Crushing, washing, and refining, or other similar processing may be authorized by the Board as an accessory use, provided, however, that such regulations or the district in which the operation is located.

#### **Section 22.1 Applicant - Financial Ability**

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

#### **Section 22.2 Application - Contents, Procedure**

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

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

### **Section 22.3 Public Hearing**

Upon receipt of such application, the Board shall set the matter for a public hearing in accordance with the provisions of Article 5.

### **Section 22.4 Rehabilitation**

To guarantee the restoration, rehabilitation, and reclamation of mined-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond running to the township, in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

### **Section 22.5 Surface Rehabilitation**

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

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

### **Section 22.6 Vegetation**

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

### **Section 22.7 Banks of Excavation Not Backfilled**

The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

### **Section 22.8 Additional Requirements**

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

### **Section 22.9 Gas and Oil Wells**

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

1. Compliance with all applicable laws of the State of Ohio.
2. A surety bond in the amount of \$10,000 has been obtained and is attached to the drilling permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to public property resulting from

such well or the drilling of the well including damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalk, water lines, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to be held by the Township Clerk until released or reduced and released by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

3. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located neither within 50 feet of any public right-of-way nor within 100 feet of a residential dwelling.

#### **Section 22.10 Excavations for Fill**

Excavations for fill (borrow-pits) may be permitted in any district, however, shall be subject to the approval and specifications of the Board.