

Ruby Donohue

ZONING RESOLUTION
JACKSON TOWNSHIP
PICKAWAY COUNTY, OHIO

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PART ONE
AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE I

AUTHORIZATION AND PURPOSE

Section 1.01 Title

This Resolution shall be known and may be cited as the ***Zoning Resolution of Jackson Township, Pickaway County, Ohio***. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

The Board of Township Trustees hereby find it necessary, advisable and beneficial to the residents of Jackson Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

all as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.03 Applicability and Limitations

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district, taxing unit or bond-issuing authority, located within the unincorporated area of Jackson Township, Pickaway County, Ohio.

Section 1.04 Interpretation and Consistency

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Jackson Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein.

Section 1.05 Separability

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agricultural use" means the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and/or animal husbandry, poultry husbandry, and the selling or processing of produce, provided that the operation of any such accessory use shall be secondary and incidental to the normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine.

"Application for zoning certificate" means the official document wherein the owner or applicant requests the issuance of a zoning certificate by providing information as required in Section 4.02 of this Resolution, and attesting same by his/her signature.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

"Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

"Building line" means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

"Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Cemetery" means land used or intended to be used for the burial of human dead.

"Certificate of zoning compliance" means the official document issued by the Zoning Inspector upon completion of the work called for in the zoning certificate, certifying that the requirements of this Resolution have been met.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article IX of this Resolution.

"Congregate or group home" means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"District" means a part, portion, zone or geographic area within Jackson Township within which certain development standards, as delineated by this Resolution, apply.

"Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

"Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.

"Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.

"Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Federal Emergency Management Agency (FEMA)” means the agency with the overall responsibility for administering the National Flood Insurance Program.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Jackson Township and/or Pickaway County

“Flood plain” or “Base flood plain” means the area adjoining any river, stream, watercourse or lake that has been or may be inundated by the 100 year flood.

“100 year flood” or “Base flood” means a flood having a one percent (1%) chance of being equalled or exceeded in any given year.

“Floodway” means the channel of a creek, stream or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floor area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“Frontage” or “lot frontage” means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

“Home occupation” means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.02 of this Ordinance.

“Hospital” means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

“Lot” means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

“Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

“Lot coverage” means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

“Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

“Side lot line” means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Pickaway County, Ohio, as of the effective date of this Resolution.

“Minimum area of lot” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

“Lot width” is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare.

“Manufactured Housing” shall mean any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).

“Manufactured Home Community” shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

“Manufactured Home Subdivision” shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.

“Modular Home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes

“Mobile Home” shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

“Nursery” or **“Day care center”** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing home” includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

“Off-street parking space” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Professional offices” means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

“Recreational facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail store” means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means 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.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

"Street", "road" or "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" does not include fences.

"Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

"Township" means Jackson Township, Pickaway County, Ohio.

"Use" means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

"Variance" means a modification from 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 action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

"Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the center of the roadway and the front of the building or structure.

"Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

"Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

"Zoning certificate" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

"Zoning District" means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

"Zoning District Map" or "Zoning Map" means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 12.02 of this Resolution.

“Zoning Inspector” means the enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Resolution.

P A R T T W O
ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Established

The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce the Zoning Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

3.01.02 Relief From Personal Liability

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts of alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Resolution. In any of these actions, the Zoning Inspector shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

3.01.03 Duties of Zoning Inspector

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

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- C. Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- E. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.
- F. Advise the Rural Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.

3.01.04 Removal from Office

The Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office or other just cause, upon written charges being filed with the Trustees, after a public hearing has been held regarding such charges. In such case, a copy of such charges shall be served on the Zoning Inspector at least ten (10) days prior to the hearing, either personally or by registered mail. The Zoning Inspector shall be given an opportunity to be heard and answer all such charges.

Section 3.02 Rural Zoning Commission

3.02.01 Establishment

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Zoning Commission in and for Jackson Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms and conditions of tenure of the members shall be as arranged by the Trustees.

3.02.02 Removal of Members

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the Zoning Inspector in Section 3.01.04 above.

3.02.03 Proceedings

The Zoning Commission shall elect a Chairman and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Such minutes shall be public record, and shall be immediately filed in the office of the Commission. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

3.02.04 Powers and Duties

For the purposes of this Resolution, the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

Section 3.03

Board of Zoning Appeals

3.03.01

Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Jackson Township, Pickaway County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

3.03.02

Removal of Members

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the Zoning Inspector in Section 3.01.04 above.

3.03.03

Proceedings

The Board shall organize annually and elect a Chairman. The Township Trustees shall appoint a Secretary for the Board. Such Secretary shall keep minutes and perform such clerical duties as necessary, and is not required to be a member. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public.

The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.03.04

Powers and Duties

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, 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. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VIII of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article IX of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution
- G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

Section 3.04 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers 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 Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Building and Zoning Inspector on matters of appeal or variance. Nonetheless, nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts pursuant to Chapters 2505 and 2506 of the Ohio Revised Code. Such appeal shall be made within ten (10) days of the Board's written decision.

ARTICLE IV

ENFORCEMENT AND PENALTY

Section 4.01 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

Section 4.02 Application for Zoning Certificate

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Pickaway County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.

- H. Number of proposed dwelling units.
- I. An approval by the Pickaway County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- J. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

Section 4.03 Approval of Zoning Certificates

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of applications, certificates and/or plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy so retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance, and one (1) copy shall be kept in the Township permanent files.

Section 4.04 Submission to the Director of the Department of Transportation

Before any zoning certificate 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 the Department 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 or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department 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 Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning

Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

Section 4.05 Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and in the Township permanent files. Copies shall be made available upon request to any person so requesting.

Section 4.06 Expiration of Zoning Certificates

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

Section 4.07 Certificate of Zoning Compliance

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate

Section 4.08 Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 4.09 Void Zoning Certificate

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

Section 4.10 Violation and Penalty

4.10.01 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates 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. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

4.10.02 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 shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.03 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of 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 commits, 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 Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

ARTICLE V

NONCONFORMING USES

Section 5.01 Intent

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures 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 to permit these nonconformities to continue until they are removed and to permit reasonable extensions as allowed by law, but not to encourage their survival.

Section 5.02 When Permitted

5.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

5.02.02 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Resolution or amendment thereto making said use nonconforming.

Section 5.03 Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

Section 5.04 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification. However, in any residential district, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

Section 5.05 Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.

Section 5.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05.

Section 5.07 Maintenance and Repair

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural

alterations may be made to a building or structure containing a nonconforming use as follows:

- A. when required by law.
- B. to convert to a conforming use.
- C. to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 5.08 Nonconforming Lots of Record

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Pickaway County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective.

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall redivide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such redivision would exceed the required lot width in the district by more than twenty percent (20%), such redivision may be made so as to provide one (1) more lot than would otherwise be permitted.

ARTICLE VI

DISTRICT CHANGES AND AMENDMENTS

Section 6.01 Intent

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

Section 6.02 Initiation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

Section 6.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Pickaway County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Resolution.
- I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a listing of deficiencies.

Section 6.04 Submission to County Planning Commission

Within five (5) 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 pursuant to Section 6.03 above, 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 Pickaway County Planning Commission. The Pickaway County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

Section 6.05 Public Hearing by Zoning Commission

6.05.01 Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

6.05.02 Notice of Public Hearing in Newspaper

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall set forth the following information:

- a. The time and place of the public hearing.
- b. A statement that the hearing is being conducted by the Jackson Township Rural Zoning Commission.
- c. A statement indicating that the proposed action is an amendment to the zoning resolution.
- d. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- e. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- f. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,
- g. The name of the person responsible for giving notice of the public hearing.

- h. Any other information requested by the zoning commission.
- i. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

6.05.03 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Pickaway County Auditor's current tax list, as provided by the applicant in Section 6.03 (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

Section 6.06 Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in Section 6.05 above, 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 denied.

Section 6.07 Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section 6.05 above.

Section 6.08 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in Section 6.07 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

Section 6.09 Criteria

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township .
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

Section 6.10 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days 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 eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed 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 amendment has been approved by the voters, it shall take effect immediately.

ARTICLE VII

APPEALS

Section 7.01 Appeals

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

Section 7.02 Notice of Appeal

A notice of appeal may be filed with the Clerk of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Clerk of the Township shall transmit said notice to the Board of Zoning Appeals.

Section 7.03 Action by the Board of Zoning Appeals

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Pickaway County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

ARTICLE VIII

VARIANCES

Section 8.01 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Resolution shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstance shall the Board of Zoning Appeals grant a 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.

Section 8.02 Application for Variance

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the Clerk of the Township. The Clerk shall forward such application to the Secretary of the Board of Zoning Appeals, within five (5) days from receipt of the completed application.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.

- B. Legal description of property as recorded in Pickaway County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance is justified, according to Section 8.01 A-E.above.

Section 8.03 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. If such a hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 8.04 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 8.03, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

ARTICLE IX

CONDITIONAL USES

Section 9.01 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

Section 9.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Clerk of the Township, who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Pickaway County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Pickaway County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.

- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

Section 9.03 General Standards for Conditional Uses

The Board of Zoning Appeals shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property which shall be so designated as not to create in interference with traffic on surrounding public streets or roads.

Section 9.04 Supplementary Conditions

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

Section 9.05 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 9.02. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 8.03 of this Resolution.

Section 9.06 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to Section 9.05, the Board shall either approve, approve with supplementary conditions as specified in Section 9.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

**Section 9.07 Expiration and Revocation of Zoning Certificate
Issued Under Conditional Use Provisions.**

The approval of the zoning certificate issued in accordance with Section 9.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

ARTICLE X

(RESERVED FOR FUTURE USE)

PART THREE
ZONING DISTRICTS

ARTICLE XI

STANDARD ZONING DISTRICT REGULATIONS

Section 11.01 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

Section 11.02 Rules of Application

11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

11.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
 - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
 - 2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.
- B. No more than one (1) permitted use shall exist on any one zoning lot.

11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of Article XXV of this Resolution.

11.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and

future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.

11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

11.02.07 Development Plan

For particular uses in specific districts, a *Development Plan* will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning certificate. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent residential property.

The Development Plan shall be reviewed by the Zoning Commission and must be approved as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

ARTICLE XII

ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 12.01 Zoning Districts Established

The following zoning districts are hereby established for Jackson Township:

<i>FR</i>	-	<i>Farm Residential District</i>
<i>LRR</i>	-	<i>Limited Rural Residential District</i>
<i>GC</i>	-	<i>General Commercial District</i>
<i>PRB</i>	-	<i>Planned Rural Business District</i>
<i>I</i>	-	<i>Industrial District</i>
<i>FS</i>	-	<i>Farm Sanctuary District</i>
<i>SU</i>	-	<i>Special Use District</i>
<i>FP</i>	-	<i>Flood Plain Overlay District</i>
<i>DCC</i>	-	<i>Darby Creek Conservation Overlay District</i>

Section 12.02 Official Zoning District Map

The districts established in Section 12.01 of this Resolution are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Clerk, and shall be on file in the Township offices.

Section 12.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

ARTICLE XIII

(FR) FARM RESIDENCE DISTRICT

Section 13.01 Purpose

This district is established to allow for the continuance of agriculture and the development of lower density residential development compatible with such use, while preserving rural character and protecting sensitive environmental resources from more intensive development .

Section 13.02 Permitted Uses

- A. Agricultural uses as defined in Article II, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. One-family detached nonfarm dwellings.
- D. Projects specifically designed for watershed protection, or conservation of water or soils for flood control.

Section 13.03 Accessory Uses

- A. Home occupations, subject to the requirements of Section 25.02 of this Resolution.
- B. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article XXV of this Resolution.
- C. Lakes or ponds for the primary use of the occupants of the principal residence, subject to the regulations of Section 25.05 of this Resolution.
- D. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 519.21 (c).

Section 13.04 Conditional Uses

- A. Public parks and/or nature preserves, provided parking areas and structures are located not less than 200 feet from the boundary of the property.
- B. Cemeteries, provided that all grave sites are located not less than fifty (50) feet from any property line.
- C. Structures associated with drilling for oil and/or natural gas, provided such structures are located not less than 200 feet from any residence, and further provided that assurance is

given that such structures will be removed after extraction is completed.

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

For single family nonfarm dwellings, the lot area shall be not less than two (2) acres, or such size as determined by the Pickaway County Health Department, whichever is larger. For other permitted uses, the lot area shall not be less than five (5) acres.

13.05.02 Minimum Lot Width

All lots less than twenty (20) acres in area shall have a depth:width ratio of not higher than 3.5:1. All lots shall have continuous frontage on a dedicated, improved public street or highway, according to the following schedule:

LOT SIZE	FRONTAGE
2 but less than 3 acres	200 feet
3 but less than 5 acres	250 feet
more than 5 acres	300 feet

13.05.03 Minimum Front Yard Depth

All nonfarm structures shall be located not less than 90 feet from the center line of any county or township road; 150 feet from the center line of any federal or state highway.

13.05.04 Minimum Side Yard Width

Twenty-five (25) for any nonfarm structure.

13.05.05 Minimum Rear Yard Depth

Eighty (80) feet for any nonfarm structure.

13.05.06 Minimum Building Area

1,400 square feet shall be required for single-family dwellings having one (1) story; 1,800 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories;

13.05.07 Maximum Building Height

Thirty-five (35) feet.

ARTICLE XIV

(LRR) LIMITED RURAL RESIDENTIAL DISTRICT

Section 14.01 Purpose

The LRR District is established to provide areas for specific alternative forms of rural residential development, including manufactured housing, thereby allowing for a diversity of housing opportunity and choice within Jackson Township. The Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement and land use compatability. The generally higher residential densities allowed in the LRR District mean that the district is intended to be used in areas served by public water and sewer.

Section 14.02 Permitted Uses

- A. One-family detached dwellings, subject to the development standards below.
- B. Manufactured home subdivisions and/or communities, subject to the development standards below and approval of a Development Plan.
- C. Public parks, playgrounds and play fields.

Section 14.03 Accessory Uses

- A. Home occupations, subject to the regulations of Section 25.02 of this Resolution.
- B. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the principal use is located, subject to the requirements of Article XXV of this Resolution.

Section 14.04 Conditional Uses

- A. Individual manufactured homes on individual lots not in platted subdivisions, provided such homes are placed on a permanent foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line, and further provided that the title for the structure is surrendered to and cancelled by the Pickaway County Auditor and that such lot complies with the standards of the FR District.
- B. Cluster housing, provided that the overall density of the residential development, including open space, does not

- exceed that which would result if the project was constructed to the standards in 14.05.02 below, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.
- C. Multiple-Family Housing, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Board of Zoning Appeals.

Section 14.05 Development Standards

14.05.01 Manufactured Home Communities and/or Multiple-Family Housing

A. Water and Sewer

Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

B. Minimum Lot Area

The minimum lot area for any single project shall be ten (10) acres. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area. The maximum gross density shall not exceed six (6) dwelling units per acre.

C. Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

D. Minimum Front Yard

The minimum front yard depth for any single project shall be not less than 150 feet from the center line of any roadway.

E. Minimum Side Yard Width

The minimum side yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community shall be not less than ten (10) feet.

F. Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

G. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

F. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

G. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

H. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Pickaway County Subdivision Regulations. The proposed layout of such streets shall be approved by the Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

I. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the

Pickaway County Engineer, or his designated agent. All costs associated with such approvals shall be paid by the applicant.

J. Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

14.05.02 Other Permitted Uses

A. Minimum Lot Area

20,000 square feet.

B. Minimum Lot Width

For each principal use, there shall be lot width of not less than 100 feet with continuous frontage on a publicly dedicated, improved roadway within the development. Minimum lot width on curved street shall be 60 feet. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

C. Minimum Front Yard Depth

90 feet from the center line of any county or township road; 150 feet from the center line of any federal or state highway.

D. Minimum Side Yard Width

Fifteen (15) feet.

E. Minimum Rear Yard Depth

Forty (40) feet.

F. Minimum Building Area

1,400 square feet shall be required for single-family dwellings having one (1) story; 1,800 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories;

G. Maximum Building Height

Thirty-five (35) feet.

ARTICLE XV

(RESERVED FOR FUTURE USE)

ARTICLE XVI

(GC) GENERAL COMMERCIAL DISTRICT

Section 16.01 Purpose

The GC District is established to provide areas for a diverse range of commercial and business activity within specific areas of Jackson Township, while controlling the adverse impacts of this development on nearby residential uses.

Section 16.02 Permitted Uses

- A. Administrative, business and professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, to include real estate and insurance sales and associated services, brokers and dealers in securities, medical, legal, engineering/consulting, and/or accounting/bookkeeping services.
- B. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- C. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, provided all storage and display of merchandise shall be within the principal structure,
- D. Personal services involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:
 - 1. Restaurants, bars and taverns.
 - 2. Banks, savings and loans, and credit agencies.
 - 3. Barber and beauty shops, having no more than three work stations.
 - 4. Funeral services.
 - 5. Radio, television or small appliance repair.
 - 6. On-premises duplication and reproduction services.
 - 7. Equipment rental or leasing, not to include the outside storage of equipment.
- E. Nursery schools and day care facilities.
- F. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- G. Lumber and home improvement sales.

- H. Hotels and motels.
- I. Garden centers.
- J. Outdoor advertising, subject to the requirements of Section 27.05 of this Resolution.
- K. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

Section 16.03 Conditional Uses

- A. Institutions for human care, including congregate or group homes, hospitals, clinics, sanitariums and homes for the elderly, provided that any building or parking/service area be located not less than 200 feet from any adjacent property.
- B. Kennels or animal hospitals, provided all buildings and outside runs are located not less than 200 feet from any adjacent residential property.
- C. Carry out food and beverage establishments with drive-through facilities, provided a plan for traffic circulation and parking, submitted by the applicant, is approved by the Zoning Commission.
- D. Establishments selling gasoline, kerosene and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Zoning Commission.
- E. Motor vehicle sales and service establishments, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property. Any inoperable, unlicensed or unused vehicle shall not be stored outside the principal building for a period of time exceeding twenty-four (24) hours.
- F. Facilities for the storage of personal or corporate property offered on a rental basis.

Section 16.04 Development Standards

16.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

16.04.02 Minimum Lot Width

Continuous frontage on a publicly dedicated and improved federal, state or county highway is required. Such lot width shall be adequate to

accommodate all required parking areas, yards and vehicle circulation lanes.

16.04.03 Minimum Front Yard Depth

150 feet from the center line of any arterial, state or federal highway; Ninety (90) feet from the center line of any county or township road.

16.04.04 Minimum Side Yard

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas..

16.04.05 Minimum Rear Yard

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas.

16.04.06 Parking and Loading

Parking and loading spaces shall be provided as required in this Resolution. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

16.04.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

16.04.08 Lighting

Lighting shall be arranged so as not to shine on adjacent properties.

ARTICLE XXVII

(PRB) PLANNED RURAL BUSINESS DISTRICT

Section 17.01 Purpose

The Planned Rural Business District is established to provide for a limited business activity in locations where intensive commercial or industrial activity as permitted in the RB District would be inappropriate. Generally, the district will allow a higher level of activity than would typically be permitted as a home occupation. The district permits the property owner to design a business environment which may meet his/her general objectives, while providing a suitable level of protection for present and future owners of adjacent property.

Section 17.02 Permitted Uses

Land and buildings within the Planned Business District shall be used only for the specific use or uses identified by the applicant in the Development Plan required for zoning amendment. The applicant shall show that the proposed use or uses are appropriate to and compatible with the neighborhood where the proposed activity is to occur. All permitted uses shall be approved by the Board of Township Trustees as part of the Development Plan that is required for zoning the site into the Planned Rural Business District. Specified permitted uses shall run with the land as long as the PRB zoning, as approved, remains in effect.

Section 17.03 Procedures

The procedures to be followed in placing land in the Planned Business District shall comply with those specified in Article VI of this Resolution, with the following additions:

17.03.01 Application

The owner or owners of a tract of land of any size may request that the Official Zoning Map be amended to include such lands as a Planned Business District. The applicants are encouraged to meet with the Rural Township Zoning Commission prior to submittal of the application to familiarize themselves with the requirements for this district.

17.03.02 Development Plan

In addition to the material required for amendment as specified in Section 6.03 of this Resolution, the applicant shall also submit not less than five (5) copies of a Development Plan, which shall contain, in text and map form, the following information:

- A. A survey map of the boundaries of the area requested for zoning map amendment.
- B. A site plan showing the specific location of all existing and proposed buildings, setbacks and yards, topographic contours and surface drainage, existing and proposed vegetation and landscaping, and other prominent physical features.
- C. Specific uses to be permitted within the proposed development, specified according to area or specific building location. An explanation of how these uses shall be designed, or activities carried out, so as to create desired compatibility with adjacent land uses.
- D. Existing roads and drives, anticipated traffic impacts and methods to be employed to address adverse impacts.
- E. A list of the specific restrictions proposed by the applicant for zoning map amendment which are designed to fulfill the concept proposed and ensure compatibility of the project with the surrounding area. Such restrictions shall become part of the conditions on which any approval is given.

17.03.03 Criteria for Approval

In acting on the proposed application pursuant to Sections 6.06 and 6.08 of this Resolution, the Zoning Commission and the Board of Township Trustees shall consider the following factors:

- A. the proposed development is consistent with the intent and purpose of this Resolution and this specific Article
- B. suitable measures and restrictions are proposed so as to promote compatibility with adjacent and nearby properties
- C. the proposed development advances the general welfare of the Township and the immediate vicinity

17.03.04 Effect of Approval

The Development Plan as approved by the Board of Trustees shall constitute an amendment to the Resolution as it applies to the specific land in question. Such approval shall be contingent on the development being completed, as shown on the Development Plan, within two (2) years from date of approval.

Section 17.04 Performance Standards

No land or structure in the PRB District shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts shall include those related to noise, vibration, odor, dust, glare, or storm runoff. Statements in writing that such uses comply or will comply with such uses shall be required from the applicant.

A. Noise

The sound pressure level of any operation on a lot within the PRB District shall not exceed the average intensity of traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

B. Vibration

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property in the PRB District.

C. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the PRB District.

D. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the PRB District.

E. Glare

Exterior lighting shall be used in a manner that produces no glare on public highways or adjacent land.

F. Storm Runoff

Structures and physical changes to the site shall be designed and constructed so as to not cause a significant increase in storm water runoff onto adjacent properties.

ARTICLE XVIII

(I) INDUSTRIAL DISTRICT

Section 18.01 Purpose

The purpose of the Industrial District is to provide suitable areas for a range of industrial activities, while protecting the character of adjacent and nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A. Primarily within enclosed structures.
- B. With minimal adverse environmental or economic impact on adjacent properties.
- C. Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- D. Without imposing unusual burdens upon utility or governmental services.

Section 18.02 Permitted Uses

- A. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the I District.
- B. Warehousing, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Outdoor advertising, subject to the requirements of Section 27.05 of this Resolution.
- E. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions of Section 11.02.05 of this Resolution, and the purpose of the Industrial District.

Section 18.03 Conditional Uses

- A. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.

- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C. Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- D. Structures and sites associated with drilling for oil and/or natural gas.
- E. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- F. Other uses of an industrial nature not otherwise provided for in this Resolution.

Section 18.04 Minimum Development Standards

18.04.01 Minimum Lot Area

No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 500 feet from any district where residences are a permitted use, and not less than 50 feet from any other zoning district.

18.04.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

18.04.03 Side Yards

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for paved areas; when abutting a residential zoning district, 100 feet for structures, fifty (50) feet for paved areas, subject to the requirements of Section 18.03 above.

18.04.04 Front Yard Depth

Any new structure or parking area must be located not less than 150 feet from the centerline of the road or highway on which the use has frontage.

18.04.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be required so as to meet the requirements of Section 18.04.01 of this Resolution.

18.04.06 Height

No structure shall exceed a height of forty (40) feet.

18.04.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

ARTICLE XIX

(FS) FARM SANCTUARY DISTRICT

Section 19.01 Purpose

The Farm Sanctuary District is established to promote the continuance of agricultural activities and protect agricultural land in those areas most suitable for farming. This district also intends to protect and stabilize the Township's viable agricultural economy by discouraging uses that are incompatible with farming. Consequently, residential uses are limited and any future residents of this district must be willing to accept the impacts associated with normal farming practice. Lands within the Farm Sanctuary District are generally not serviced by public water and/or sewer.

Section 19.03 Permitted Uses

- A. Agricultural uses, as defined in Article II, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached farm dwelling.
- B. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- C. Public and/or nonprofit parks and playgrounds.
- D. Conservation or natural areas.
- E. Accessory uses customarily associated with and incidental to a permitted use, including the following:
 - 1. Accessory buildings or structures customarily associated with residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools, and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located.
 - 2. Lakes or ponds for the primary use of the occupants of the principal residence, subject to the regulations of Section 25.05 of this Resolution.
 - 3. Temporary roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 517.21 (c).

Section 19.04 Conditional Uses

- A. Farm-based occupations, subject to the following:
 - 1. A farm occupation could involve a wide range of activities, provided it remains secondary to and compatible with active farm use. Examples include woodworking and furniture production, metal or machine work, farm machinery repair/service.

2. Evidence shall be provided that all wastes associated with the farm occupation will be disposed in a manner consistent with State and/or federal regulations.
 3. Not more than two (2) nonresidents of the premises shall be employed on site by the farm occupation.
 4. The use shall be conducted primarily within enclosed buildings. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
 5. Any sign used for the farm occupation shall not exceed eight (8) square feet in size.
- B. Single-family detached nonfarm dwellings and accessory uses, subject to the requirements of Section 19.05 through 19.07 below.
 - C. Private landing fields for aircraft, provided that a Development Plan pursuant to Section 11.02.07 is approved by the Zoning Commission.
 - D. Cemeteries, provided that all grave sites are located not less than fifty (50) feet from any property line.
 - E. Golf courses, provided that all structures are located not less than 200 feet from any property line.

Section 19.05 Maximum Number of Permitted New Dwellings

- A. For each tract of contiguous land within the Farm Sanctuary District in single ownership as of the effective date of this Resolution, the maximum number of new single-family detached dwellings shall be according to the following schedule:

ACREAGE OF SINGLE-OWNER TRACT	MAXIMUM NUMBER OF NEW DWELLINGS
2-24	1
25-59	2
60-99	3
100-149	4
150-199	5
200 and over	6

- B. Lot add-ons involving agricultural land in which no new lots are created shall not be counted against the number of new residential homesites permitted to be created.
- C. Regardless of size, no tract of land separated from its original tract subsequent to the effective date of this Resolution shall qualify for additional single-family homesites pursuant to this Section.

Section 19.06 Development Standards

19.06.01 Lot Area

- A. Permitted Uses
Five (5) acres.
- B. Single-Family Detached Non-farm Dwellings
For each principal permitted use, the lot area shall be not less than two (2) acres, or such size as determined by the Pickaway County Health Department, whichever is larger.
- C. Other Uses
Two (2) acres.

19.06.02 Minimum Lot Width

All lots shall have at least 200 feet continuous frontage on a dedicated, improved street or highway.

19.06.03 Minimum Front Yard Depth

- A. Permitted Uses
Ninety (90) feet from the center line of any county or township roadway. 150 feet from the center line of any state or federal highway.
- B. Other Uses
Ninety (90) feet from the center line of any county or township road; 150 feet from the right-of-way of any federal or state highway.

19.06.04 Minimum Side Yard Width

Twenty-five (25) feet.

19.06.05 Minimum Rear Yard Depth

Eighty (80) feet.

19.06.06 Minimum Building Area

1,400 square feet shall be required for new single-family dwellings having one (1) story; 1,800 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories.

Section 19.07 Agricultural Nuisance Disclaimer

Lands within the Farm Sanctuary District are located within an area where land is utilized for agricultural production. Residents and other users of property within this District may be subject to inconvenience, discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the

storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the FS District should be prepared to accept such inconvenience, discomfort.

Any applicant for a zoning certificate for nonfarm residential use within the FS shall sign a statement that he/she has read and understands the provisions of this Section of the Resolution, including the foregoing disclaimer.

ARTICLE XX

(SU) SPECIAL USE DISTRICT

Section 20.01 Purpose

The Special Use District is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

Section 20.02 Permitted Uses

Buildings and land used for purposes specified on the following schedule shall require zoning in the SU District :

<u>PRIMARY BUILDINGS AND USES</u>	<u>ACCESSORY USES</u>
1. Public buildings, meeting halls, schools, libraries, museums, and similar places for public assembly.	Parking areas.
2. Churches and places of public worship.	Parking areas, parsonages.
3. Cemeteries, including mausoleums	Sexton's or caretaker's dwellings
4. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts, and similar outdoor events.	Parking areas, administrative and maintenance structures.
5. Commercial recreational areas such as golf courses, gun clubs, sportsmen's clubs, summer camps and similar entertainment uses.	Parking areas, maintenance structures.
6. Campgrounds where fees are charged for the temporary parking of recreational vehicles, erection of tents, or similar camping equipment.	Customary maintenance and/or support structures
7. Airstrips and facilities for the landing takeoff, and/or storage of private aircraft	Storage and fueling facilities, parking areas

Section 20.03 Development Plan Required

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan

shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed project including setbacks, any signage, an analysis of facility's impact on any adjacent residential area and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to address, lessen and/or alleviate adverse impacts on adjacent areas and to protect the residential character of such areas.

Section 20.04 Development Standards

A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off-street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 20.03.

B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side yard of not less than fifty (50) feet and a rear yard of not less than eighty (80) feet shall be maintained. In addition, a landscaped buffer shall be installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

Section 20.05 Action by Board Township Trustees

In approving the redistricting of land into the SU District, the Board of Township Trustees may specify appropriate conditions and/or safeguards. Violation of these conditions or safeguards shall be considered as a violation of

Section 20.06 Compliance with Development Plan

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan.

**ARTICLE XXI
(FP) FLOOD PLAIN OVERLAY DISTRICT**

Section 21.01 Finding of Fact

Specific areas adjacent to streams and watercourses within Jackson Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstructions in flood plains, causing increased flood heights and velocities,

Section 21.02 Purpose

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Jackson Township by:

- A. restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. controlling the filling, grading, dredging and other development which may increase flood damage; and
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section 21.03 Scope and Application

21.03.01 Applicable Lands

This Article shall apply to all lands within Jackson Township shown as within the 100 year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows:

39129 CO175 D	(August 29, 1997)
39129 CO300 D	(August 29, 1997)
39129 CO200 D	(August 29, 1997)
39129 CO180 D	(August 29, 1997)

The above Flood Insurance Rate Maps with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments to the above maps are hereby adopted by reference and declared to be a part of this Article.

21.03.02 Overlay District Designation

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

21.03.03 Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section 20.03.01 above.

Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

21.03.04 Warning and Disclaimer of Responsibility

The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Jackson Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Section 21.04 Development Standards

- A. Open space uses shall be permitted within the FP District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district, and provided those uses do not require structures, fill or the storage of material or equipment.
- B. No structure shall be permitted within the flood plain and no use shall be established which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
- C. No grading or filling within the FP District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by

a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such a proposal, the Board shall seek the input of the Pickaway Soil and Water Conservation District.

ARTICLE XXII

(DCC) DARBY CREEK CONSERVATION DISTRICT

Section 22.01 Findings of Fact

Big Darby Creek flows through Jackson Township. Portions of this stream were designated a component of the National Wild and Scenic Rivers system on March 10, 1994, by the U.S. Secretary of the Interior and were also designated as an Ohio Scenic River. The stream and its watershed contain an extraordinary array of wildlife, including 86 species of fish, 40 species of mussels, 176 species of birds, 34 species of mammals as well as more than one dozen rare plant species. Big Darby Creek is considered by the Ohio Environmental Protection Agency (OEPA) as an exceptional pollution free warmwater habitat and water resource, due in part to the stability of the water temperature and enhanced water quality afforded by the dense tree canopy along its banks. In order to accomplish the purposes set forth below, it is necessary to limit inappropriate land uses and development activity adjacent to this waterway.

Section 22.02 Purpose

The purpose of the DCC District is to promote the public health and safety by protecting and preserving this valuable water resource, in that the protection and conservation of an adequate free flowing safe water supply and the filtration and elimination of pollutants is of vital concern and interest to the Township and its residents.

Section 22.03 Boundaries

The Darby Creek Conservation (DCC) District shall consist of an area two-hundred (200) feet landward along the eastern and western banks of the Big Darby Creek in Jackson Township, Pickaway County, Ohio.

Section 22.04 Permitted Uses

- A. Passive private or public recreational uses such as fishing, walking, bird watching, etc. (No public easement over such property is hereby created).
- B. Selective harvesting of timber, provided not more than twenty-five percent (25%) of the tree crown cover within the portion of the particular land owner's parcel within the DCC District is removed and trees on the immediate stream bank are not harvested, unless a specific silviculture plan for the property is submitted to and approved by the Pickaway County Soil and Water Conservation District. Damaged or diseased trees may be removed. The stump

and roots of trees on the stream bank shall be left in place to prevent erosion.

- C. Agriculture on lots greater than five (5) acres, pursuant to Ohio Revised Code Section 519.21.

Section 22.05 Development Standards

- A. No new structural or surficial (pavement) construction of any kind shall be permitted, with the exception of fences running perpendicular to the stream bank, when used for the containment of livestock .
- B. No discharge is permitted into any public or private sewer, drain, tile or stream, or onto the ground of any liquids or materials which, because of their toxic properties or temperatures when discharged, would contaminate the Big Darby watershed, groundwater or stream. The Ohio Environmental Protection Agency (OEPA) standards shall apply and be met in making a determination as to the propriety of the discharge. Discharges expressly permitted by the Pickaway County Board of Health and/or OEPA are not restricted by this Section.
- C. No grading or filling within the DCC District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood by more than one (10 foot at any point. In acting on such proposal, the Board may seek the input of the Pickaway Soil and Water Conservation District. .
- D. The natural vegetation within the Darby Creek Conservation District shall remain undisturbed except for the removal of noxious weeds as otherwise permitted under the Ohio Revised Code Chapters 5579 and 5589, subject to the activities referenced above in Section 22.04(B)
- E. In addition to the standards above, the requirements of the Flood Plain Overlay (FP) District shall apply.
- F. All agricultural activities, including but not limited to plowing, discing, and/or cultivating cropland, protecting against streambank erosion, and construction, maintenance and/or repair of levees shall follow "Best Management Practices" as set forth by the Pickaway Soil and Water Conservation District.

ARTICLE XXIII

(RESERVED FOR FUTURE USE)

PART FOUR
ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXIV

GENERAL DEVELOPMENT REQUIREMENTS

Section 24.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.

B. Lot Width

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 24.01A above.

Section 24.02 Front Yards

A. Front Yard Requirements

All front yard space shall be maintained in a neat and orderly state and be kept free of any trash, junk or debris.

B. Front Yard Measurements

Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.

C. Corner Lots

In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback shall be required from both roads.

In the event any building or structure is to be located near a curve or bend in any road, said building or structure may not be closer to the road at any point than the setback requirement for that road.

Section 24.03 Side Yards

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches and Architectural Features

In a residential district, all portions of the structure, including open, uncovered porches or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

Section 24.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXV of this Resolution.

Section 24.05 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure.

Section 24.06 Trash and Debris

No trash, debris, unused property or other discarded material shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

ARTICLE XXV

ACCESSORY USES AND STRUCTURES

Section 25.01 Regulation of Agriculture on Specific Lots

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

Section 25.02 Home Occupations

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within building or buildings on the premises without any significant adverse impact upon surrounding properties. Home occupations are listed as accessory or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty percent (20%) of dwelling unit floor area is devoted to the

home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 25.03 below.

- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures. No exterior activity, or storage of materials or equipment, shall be permitted.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. External indication of such home occupation shall be limited to one non-illuminated sign not more than four (4) square feet.
- E. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- F. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

Section 25.03 Accessory Structures

A. Location

A detached accessory structure shall be located to the rear of the principal dwelling structure within any side or rear yard no closer to any side or rear lot line than the following:

- 1. Twenty-five (25) feet in the FR District.
- 3. Ten (10) feet in the LRR District

B. Permitted Area and Height

The total area of all accessory uses or structures shall not exceed two percent (2%) of the area of the lot on which the structure or use is located. These area requirements shall not apply to lakes, ponds, swimming pools and tennis courts . An accessory structure shall not exceed twenty (20) feet in height. The provisions of this subsection 25.03 B shall not apply in the FS District

Section 25.04 Fences and/or Hedges in Particular Districts

No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a roadway intersection, within a

twenty-five (25) foot clear sight distance along either roadway approaching said intersection.

Section 25.05 Lakes and Ponds

Lakes and ponds shall be considered as an accessory use where so indicated in the district regulations. Lakes and/or ponds exceeding three feet (3') in depth at any point shall meet the following requirements:

- A. A separate application for a zoning certificate for the lake or pond shall be filed with the Zoning Inspector prior to the start of excavation.
- B. The applicant shall provide a site plan for the property, indicating the location of the lake and/or pond, as well as the location of inlets, outlets, subsurface drainage, septic lines, and/or primary or secondary leach field site(s).
- C. The lake and/or pond shall be located not less than sixty (60) feet from any property line, leach field, and/or subsurface tile drainage passing through the property.
- D. The applicant shall demonstrate that the lake or pond meets the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Pickaway County Soil and Water Conservation District (PSWCD).

Section 25.06 Drainage

In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

ARTICLE XXVI

OFF-STREET PARKING REQUIREMENTS

Section 26.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Jackson Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 26.02 Provision for Parking Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this Article.

Section 26.03 General Requirements

A. Surfacing

Off-street parking areas within the GC, I and/or SU Districts shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

B. Lighting

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

C. Location of Parking Spaces

A five (5) foot clear zone shall be maintained between the edge of the road pavement and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

D. Parking of Recreational Equipment in Residential Districts

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and

similar recreational equipment in residential districts shall be subject to the following requirements:

1. Not more than two (2) pieces of such equipment, or vehicles, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. Such equipment or vehicles shall be stored not closer to the front of the lot than the established front yard setback.
2. Recreational equipment shall not be occupied or used for living, sleeping and/or housekeeping for a period of time exceeding fourteen (14) days.
3. The provisions of this Section shall not apply to tractors or other farm equipment.

E. Temporary Parking During Construction

Notwithstanding the provisions of Section 26.03 D2 above, a travel trailer, motor home or similar structure may be occupied as a temporary residence during such time that a permanent single family residence is being constructed on the same lot, provided such period of time does not exceed six (6) months. Under unique and special conditions, the Board of Zoning Appeals may allow one (1) extension of this time period.

F. Storage of Inoperable Vehicles

The outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. If stored on the premises, such vehicles shall be enclosed within a building so as not to be visible from any adjoining property or public roadway.

Section 26.04 Recommended Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule which is hereby made a part of this Resolution. For uses not listed in the Schedule, the determination of the number of recommended spaces shall be made by the Board of Zoning Appeals.

Section 26.04 RECOMMENDED NUMBER OF OFF-STREET PARKING SPACES

Use		Number of Parking Spaces	Use		Number of Parking Spaces
A. RESIDENTIAL					
1.	Single or multiple-family residences	Two (2) per dwelling unit	4.	Personal services, including banks, savings and loans, repair services without drive-through facilities.	One (1) for each 200 square feet of gross floor area.
2.	Institutional housing	One (1) per three (3) occupants plus one (1) for each main work shift.	5.	Banks, savings and loans and similar uses with drive-through facilities.	One (1) for each 200 square feet of gross floor area plus additional spaces in all drive-through lanes equal to 80 percent (80%) of the required number of parking spaces.
B. RECREATIONAL					
1.	Sofball, baseball, football, soccer or similar organized sport playground.	20 for each playground, plus one (1) for each six (6) seats in stands.	6.	Barber and beauty shops.	Two (2) for each work station.
2.	Tennis, handball, or racketball courts.	Three (3) for each court.	7.	Gasoline and service stations, automobile service.	Two (2) for each service bay plus one (1) for each two (2) gasoline dispensing units, plus one (1) for each employee during main shift.
3.	Bowling alleys.	Five (5) per lane plus necessary spaces as required for affiliated uses, such as restaurants.	8.	Self-serve laundries	One (1) for each three (3) washers.
4.	Theaters, stadium or sports arenas, auditoriums or other assembly halls other than schools.	One (1) for each four (4) seats.	9.	Hotels, bed and breakfast establishments.	One (1) for each sleeping room or suite, plus one (1) for each employee during main shift.
C. INSTITUTIONAL					
1.	Churches and other places of public worship.	One (1) for each five (5) seats in main auditorium.	10.	Funeral homes.	One (1) for each 50 square feet of gross floor area.
2.	Public or private school.	Three (3) for each classroom or one (1) for each five (5) seats in main auditorium whichever is greater.	11.	Medical or dental offices; animal hospitals / clinics.	Five (5) for each doctor or dentist.
3.	Nursery School/Day Care.	One (1) for each 15 students of proposed capacity.	12.	Professional, administrative and business offices.	One (1) for each 400 square feet of gross floor area.
4.	Libraries, museums, community centers.	One (1) for each 400 square feet of gross floor area.	E. INDUSTRIAL		
5.	Civic, social, fraternal organizations.	One (1) for each three (3) persons allowed under maximum occupancy of main meeting room.	1.	Manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries.	Two (2) for each three (3) employees during work shift having greatest number of employees, plus (1) for each vehicle maintained on the premises.
6.	Hospitals, nursing facilities.	One (1) for each four (4) beds plus one (1) per employee on main shift.			
D. COMMERCIAL					
1.	Food, department or general merchandise, hardware, drugs, and other retail sales.	One (1) for each 200 square feet of gross floor area.			
2.	Eating and drinking establishments without drive-through facilities.	One (1) for each 100 square feet of gross floor area.			
3.	Restaurants with drive-through facilities.	One (1) for each 75 square feet of gross floor area, plus additional spaces in the drive-through lanes equal to 25 percent (25%) of the required number of parking spaces.			

ARTICLE XXVII

SIGNS

Section 27.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems within Jackson Township. It is further the intent of these regulations to prevent signs from becoming a distraction to the safe flow of traffic, to prevent signs from becoming a nuisance to adjacent properties or uses, to protect and encourage a healthful economic business environment in the community and, thereby, protect the general health, safety, and welfare of the community.

Section 27.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, State or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from these regulations of this Article.
- B. "Billboard" means any sign identifying, promoting or advertising a product or service not located on the same property as the sign, that exceeds 200 square feet in area.
- C. "Freestanding sign" means a sign erected on a pole, poles, pillars, or posts and which is wholly independent of any building for support.
- D. "Permanent sign" means a sign intended to be erected, displayed or used, or in fact which is used for time period in excess of six (6) months.
- E. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis or trailer.
- F. "Temporary sign" means a sign intended to be displayed, or in fact displayed, for a time period of less than six (6) months.

Section 27.03 Sign Permits

A. Permit Required

No permanent or temporary sign, except as exempted in Section 27.04 of this Resolution, shall hereafter be erected, constructed or maintained within Jackson Township unless a permit for the same has been issued by the Zoning Inspector. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent. The fee shall be established by separate resolution. The application for a sign permit shall be made on forms as provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawing or drawings showing, at a minimum:
 - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
 - b. The method of illumination, if proposed.
 - c. The exact location of the sign in relation to the building and property.

Section 27.04 Signs Which Do Not Require a Permit

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, to be limited in size to two (2) square feet.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical plaques, provided that such signs are less than nine (9) square feet in size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- D. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than forty-five (45) days prior to election and to be removed no later than fifteen (15) days after

such election. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, nor be located within a public right-of-way.

- E. Signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per road front. Such signs shall not be located in a public right-of-way.
- F. Temporary window signs which promote special business sales, promotion or occasions.
- G. Signs, which are less than four (4) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located.
- H. Signs which advertise the sale of personal property, such as a garage, yard, porch or moving sales, provided such signs are displayed for a time period not greater than three (3) consecutive days, are removed within two (2) days after the sale and are not located within a public right-of-way.
- I. Farm signs denoting the name and address of the occupant, produce or products for sale, and/or membership in organizations. Such signs shall be located outside the road right-of-way.
- J. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals provided that such construction sign is removed upon the completion of construction or the commencement of occupancy, whichever event occurs first.
- K. Signs promoting community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- L. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-K above.

Section 27.05 General Requirements

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

A. Outdoor Advertising

Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and shall be permitted in GC and I Districts, subject to the development standards of those districts, and the following:

1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located at another location. In such case, the business, but not necessarily the off-premises sign, must be located in the GC, I or PRB District. Each such directional sign shall not exceed four (4) square feet in area.
2. No outdoor advertising sign shall exceed 300 square feet in area per side.
3. The height of a outdoor advertising sign shall not exceed twenty-five (25) feet above natural grade
4. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
5. Outdoor advertising signs shall be located behind the building setback line for the district in which it is located, and shall be located not less than 200 feet from any adjacent residence.
6. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

B. Billboards

Billboards, as defined in Section 27.02B, intended to be viewed from any federal, state or county highway shall be considered as a conditional use in the RB District. The application for such signs shall include a site plan showing the exact location of the sign, and shall be reviewed by the Board of Zoning Appeals following the procedures and standards cited in Article IX.

C. On-Premises Signs

Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the GC, I, PRB and SU Districts. In the PRB and SU Districts, the location of such sign must be in strict compliance with the Development Plan submitted as part of the approval process.

1. No single sign shall have an area of more than forty (40) square feet per side.
2. No single use or property shall maintain a total sign area for *all* signs of more than 100 square feet.
3. No on-premises sign shall be erected closer than twenty-five (25) feet to the road right-of-way.
4. No sign shall exceed twenty-five (25) feet in height, as measured from ground level.

D. Portable Signs

Portable signs, as defined in Section 27.02E, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 27.05C.2. above, is not exceeded.

E. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision.

F. General Requirements for all Signs

1. When a sign is proposed to be illuminated, such illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. Moving signs and the animation of signs are prohibited.
3. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
4. No sign nor part of any of a sign be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
5. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway with a federal or state highway.

Section 27.06 Measurement of Sign

For the purposes of this Resolution, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Where a sign has two or more display faces, the area of *all* faces of the sign shall be included in determining the area of the sign.
- B. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting

of rectangular or series of rectangles around the letters, number or emblems, and determining the area.

Section 27.07 Nonconforming Signs

A. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
 - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

ARTICLE XXVIII

ADULT ENTERTAINMENT BUSINESSES

Section 28.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within Jackson Township.

Section 28.02 Definitions

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. "Adult Entertainment Business" means any establishment involved in the sale of services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products within the scope of adult entertainment business shall include but are not limited to are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

B. "Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

- C. "Specified Anatomical Areas" mean any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state.
- D. "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.
- E. "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.
- F. "Visibly displayed" means the material is visible on any sign, 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 reasonable anticipated access and presence.

Section 28.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. 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 supported by public appropriation or which is an accredited institution supported by private funds.

Section 28.04 Location

Adult Entertainment Facilities shall be considered a conditional use in the GC District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.

- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

