

**Berlin Township Zoning Resolution
Knox County, Ohio**

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Poggemeyer Design Group, Inc.

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Berlin Township would like to acknowledge the following individuals who have contributed to the development of this zoning resolution.

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ARTICLE I

PURPOSE AND SCOPE

1.0 Preamble:

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

ARTICLE II

TITLE

2.0 Berlin Township, Ohio, Zoning Resolution:

This Resolution shall be known and may be cited and referred to as the "Berlin Township, Ohio, Zoning Resolution."

ARTICLE III

INTERPRETATION OF STANDARDS

3.0 Requirements as Minimums:

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

**ARTICLE IV
ZONING COMMISSION**

4.0 Authority:

The authority for the creation and establishing of the Zoning Commission is contained in the provisions of Sections 519.02 to 519.25 inclusive of the Revised Code of the State of Ohio.

4.1 Resolution:

The Board of Trustees of Berlin Township, Knox County, Ohio, do resolve and instruct the Zoning Commission to proceed with amendments to the Zoning Resolution in

ZONING COMMISSION

Donald Melick
Dave Huge
William Stout Sr.
Bob Melick
Delmis Gaddis

BOARD OF APPEALS

Dale Beheler
R. Neal Haldeman
Ronald Boner
Gary Stevens
Glenn Newton

ARTICLE V DEFINITIONS

For the purpose of this Resolution, certain terms and words are herein defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Use: An establishment consisting of, including, or having the characteristics of any or all of the following:

1. **Adult Bookstore:** An establishment having a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. **Adult Cabaret:** An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. **Adult Motion Picture Theater:** An establishment, which excludes minors by reason of age, and which is regularly used for presenting material distinguished or characterized by, or when considering, as a whole, having as its dominant theme or purpose, emphasis on matters depicting, describing, or relating to sexual activities for observation by a patron therein.

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

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

Alley: A public or private way permanently reserved as a secondary means of access to abutting property, and having a minimum width of 20 feet for residential areas and 25 feet for commercial and industrial areas.

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

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

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

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

Basement: The portion of a building below the first or ground-floor level having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining the building height, except when it is used or suitable for habitation.

Billboard, Sign: See Signs Definition.

Board: Shall mean the Board of Zoning Appeals.

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

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

Building, Community: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building, Unit Group: Two or more buildings (other than dwellings) grouped upon a lot and held under one ownership, such as Universities, Hospitals, and Institutions.

Building Height: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deckline of a mansard roof; and to the main height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Line: See Setback Line.

Business: An office, salesroom, store, or shop engaged in the sales of commodities and services to a local area or neighborhood, the sales being of a retail character.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion,

convenience uses include, but need not be limited to drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

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

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

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

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

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

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

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

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

Cluster Subdivision: A form of development that permits a reduction in lot area requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. Cluster subdivision also satisfies the definition of a "major subdivision" according to Article IV of the Knox County Subdivision Regulations.

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

Commission: Shall mean the Zoning Commission of Berlin Township.

Conditional Use: A permitted use within a district other than a principally permitted use requiring a conditional use permit and approval of the board of zoning appeals. Additional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit: A use issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Conventional Subdivision: A major subdivision, as defined in Article IV of the Knox County Subdivision Regulations.

Day Care Facilities: A place other than the permanent residence which administers to the needs of five (5) or more children or adults providing social, rehabilitative, recreational, or educational activities on a daily basis with no provisions for residential care. This includes, but is not limited to adult day care, child day care, rehabilitative care, and nursery schools.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, boarding, and rooming houses.

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

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

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

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

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

Frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered frontage. *See Setback Diagram.*

Garages, Private: A detached accessory building or portion of a principal building for the

parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. No more than one space is rented for parking to persons who do not reside on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored; and
3. The commercial vehicle permitted does not exceed two tons capacity.

Garages, Public: A building other than a private garage used for the care and repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

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

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

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition,

or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Home Occupation: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit that shall satisfy the requirements set forth in **Section 6.16**.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding are provided and offered to the public for compensation. (As such, it is open to the public in contradistinction as herein will be separately defined.)

Industrial, Heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industrial, Light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outside for a period of ninety (90) days pending shipment.

Institution/Institutional Building: Public and private group use of a nonprofit nature, typically engaged in public service (e.g., places of worship, nonprofit cultural centers, charitable organizations).

Institutional Use: A nonprofit or quasi-public use such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public purposes.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same on which junk is stored or processed.

Kennel: Any lot or premises on which four (4) or more domesticated animals (dogs, cats, or other animals) over four (4) months of age which are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Livestock: Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, fowl, etc.) not to include cats, dogs, and other house pets. *Refer to section 943.01 of the ORC for exemptions.*

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

Lot: A piece, parcel, or plot of land occupied or to be occupied by one principal building and its

accessory buildings including the open spaces required under this resolution.

Lot, Area: The horizontal area within the exterior lines of a lot, exclusive of any area in a public or private way open to public use.

Lot, Corner: A lot or portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection of not more than 135 degrees.

Lot, Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

Lot, Interior: A lot other than a corner lot.

Lot, Lines: The lines bounding a lot as defined herein.

Lot, Reversed Corner: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Through: An interior lot having frontage on two (2) or more streets.

Lot, Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at the legally established building setback line. *See Setback diagram.*

Manufactured Home: A building unit or assembly of closed construction fabricated in an off-site facility that conforms with Federal Construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable Federal Construction and Safety standards.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Mobile Home: (See also Manufactured Home.) A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings. This definition only applies to units constructed prior to June 15, 1976. (Compare with “Manufactured Home.”) No mobile home, or portion thereof, may be used as any type of structure in any district other than MHPD Manufactured Home Park District.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

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

Nuisance: Nuisances are defined by state law, and will be enforced by the Board of Trustees of Berlin Township in conjunction with the Knox County Board of Health and the Knox County Prosecutor’s Office.

Nursing Home: A home used for the reception and care of individuals who by reason of illness, physical, or mental impairment require skilled nursing care and of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled care services. (Refer to ORC 3721.01)

Open Space: Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations, or sanctuaries; or (5) enhance recreational opportunities.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

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

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

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways which are dedicated, whether improved or not.

Quasi-Public Use: A use owned or operated by a nonprofit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs.

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

Recreation Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Setback Line: A line established by the subdivision regulations and/or zoning ordinance (resolution), generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in said codes. *See Yards.*

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

1. **Sign, Accessory:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Non-Accessory:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
4. **Sign, Advertising:** A sign, which directs attention to a business, profession, commodity or entertainment, conducted, sold, or offered upon the same lot.
5. **Sign, Billboard:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
6. **Sign, Business:** A sign that directs attention to a business, profession, commodity or entertainment conducted, sold, or offered upon the same lot.
5. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
6. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
7. **Sign, Projecting:** Any sign which projects from the exterior of a building.

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

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

Storage Building: A structure built and designed for storage, not comprised either in part or whole of any part of a previously mobile structure.

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

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

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

Telecommunication, wireless facility: A facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. Personal wireless facilities are composed of two or more of the following components: Antenna, mount, equipment cabinet, and wall or security barriers.

Thoroughfare, primary or secondary: An officially designated Federal or state numbered highway or county or other road or street designated as a primary thoroughfare on an official Thoroughfare Plan, or a county or other road or street designated as a secondary Thoroughfare on such plan, respectively.

Trailer: A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office for a period of ninety (90) days.

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

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

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation.

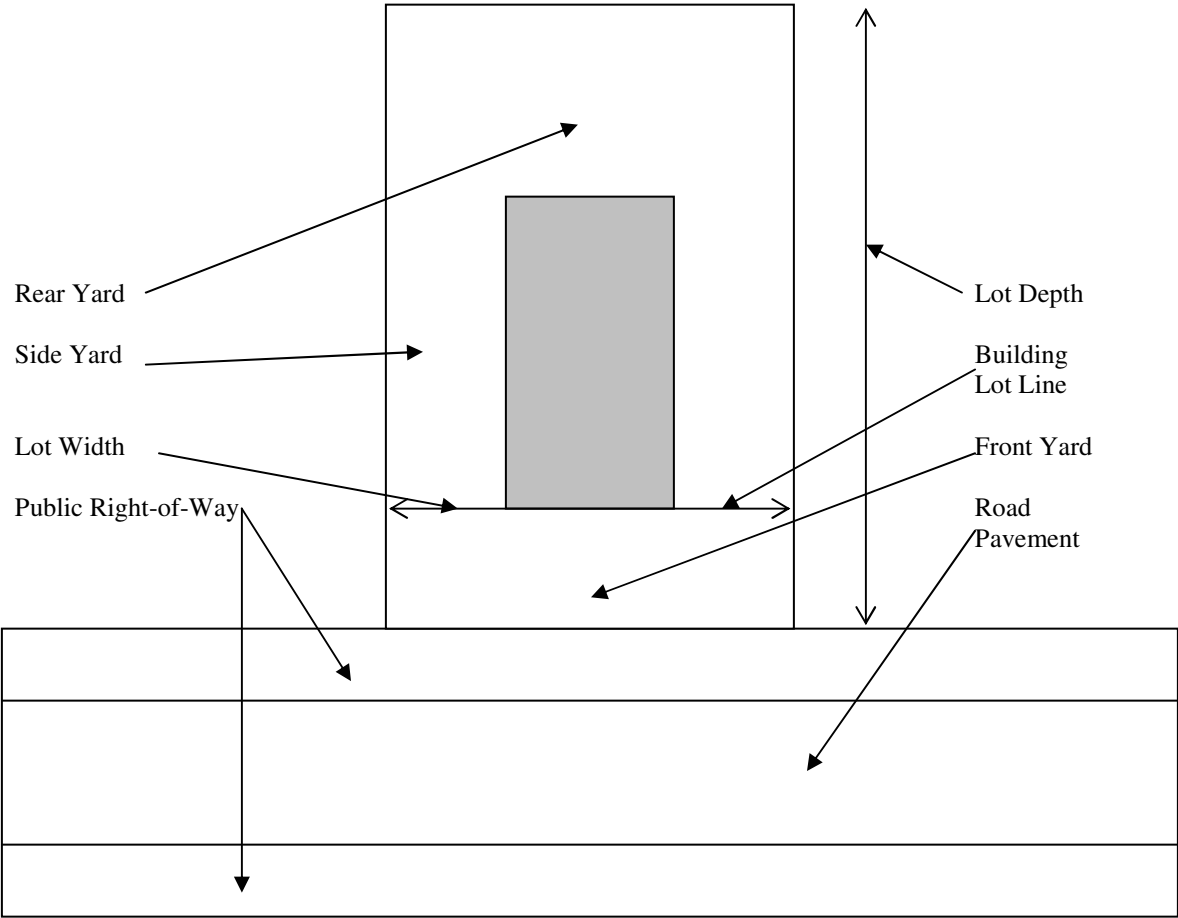
Yard: A required open space, other than a court, unoccupied and obstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations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

1. **Yard, Front:** The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
2. **Yard, Rear:** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
3. **Yard, Side:** The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

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

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

Setback Requirements



ARTICLE VI

DISTRICTS AND GENERAL PROVISIONS

6.0 General Zoning Plan:

1. Districts:

(a) Berlin Township, Knox County, Ohio shall be divided into eight (8) districts as follows:

<u>Symbol Name</u>	
AG	Agricultural District
LC / OS	Land Conservation / Open Space District
KLWD	Knox Lake Wildlife District
R-1	Rural Residential District (Low Density)
R-2	Multi-Family Residential District (Medium to High Density)
MHPD	Manufactured Home Park District
C-1	General Commercial District
I-1	Light Industrial District

6.1 District Location:

Each district is located on the map entitled "Berlin Township Zoning Plan, 2001." A certified copy of this map is on file in the office of the Board of Trustees of Berlin Township, and said map, all notations, dimensions, and designations shown thereon are hereby declared to be part of the Zoning Resolution.

6.2 Zoning Map:

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

6.3 District Boundaries:

The district boundary lines on said map are intended to follow either streets, alleys or lot lines; and, where the districts designated on the map are bound approximately by such street, alley, or lot lines, the street or alley or lot line shall be construed to be the boundary of the district, unless such is otherwise indicated on the map. In case of a subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

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

6.4 Compliance with Regulations:

No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged, or altered except in conformity with the area regulations, minimum yard requirements, and minimum off-street parking space requirements of this resolution for the district in which such building is located.

6.5 Principal Uses:

All principal uses shall be located on an individual parcel. No building shall be located in the rear of a principal building unless the structure is categorized as an accessory use.

6.6 Street Frontage Required:

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least 100 continuous feet on a single street in R-1 District, or 170 continuous feet on a single street for a lot that is less than five acres in AG District, or 250 continuous feet on a single street for a lot that is five acres or over in AG District; and there shall not be more than one single-family dwelling for such frontage.

6.7 Traffic Visibility Across Corner Lots:

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

6.8 Off-Street Parking and Loading:

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

6.9 Essential Services:

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

6.10 Unsafe Buildings:

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by proper authority.

6.11 Vacated Street or Alley:

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

6.12 Trailers Prohibited - Except:

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

6.13 Trailers - Visitors:

Only one mobile home or recreational vehicle may be located on occupied property owned, leased, or rented by a resident of the Township for a period of thirty days when used for residential purposes, provide that:

1. All provisions of the Knox County Board of Health are complied with;
2. A fee of \$5.00 shall be paid to the Zoning Inspector who may issue a "Temporary Visitors Zoning Certificate" after a period of 30 days subject to renewal by the Zoning Commission.

6.14 Territory Not Included - Annexations:

In every case where territory has not been specifically included within a district or where a territory becomes part of the un-incorporation of any city, town, or portion thereof, or otherwise, such territory shall automatically be classified as a R-1 District until otherwise classified.

6.15 Accessory Buildings in the R-1/R-2 and AG Districts:

Accessory buildings shall be a distance of at least fifteen (15) feet from any dwelling

situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building and at least ten (10) feet from any lot lines of adjoining lots which are within R-1, R-2 or AG districts.

6.16 Home Occupation:

A home occupation shall be permitted in the AG (agricultural) or residential (R-1 and R-2) districts only if the applicant satisfies the following conditions:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used to conduct the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area and nonilluminated. The sign shall be mounted flat against the wall of the principal building in the R-2 district and allowed freestanding when located in the AG or R-1 districts;
4. No home occupation shall be conducted in any accessory building, unless it is located in the AG (agricultural) district;
5. No sales of products produced off-site shall be permitted on-site excluding the sales of cosmetics, baskets, Tupperware, and other sales determined by the Board of Zoning Appeals to be of a similar nature;
6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance (resolution), and shall not be located in a required front yard; and
7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

6.17 Cluster Residential Subdivisions:

The intent of Cluster Residential Subdivisions is to provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural, and built environment. The development of open-space subdivisions is encouraged within

the Knox County Comprehensive Plan to conserve and protect the natural environment and rural character. Cluster Residential Subdivisions are conditionally permitted in the R-1, and R-2 zoning districts and shall receive approval from the Zoning Inspector in accordance with the requirements set forth in Article XXVI. The following requirements shall be satisfied:

1. Property Ownership Requirements:

Any ownership arrangement including, but not limited to fee simple lots or condominiums is permitted Cluster Residential Subdivisions. The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district except as modified below:

2. Permitted Density:

The maximum number of housing units permitted in a Cluster Residential Subdivision is determined by using the minimum lot area required in the applicable zoning district and shall use the following formula:

$$(TSA/MLA) * 90 \text{ percent}$$

Where:

TSA = Total site area in square footage, excluding any area within the existing public right-of-way or land that is subject to an existing conservation easement. Total site area also does not include any area occupied by ponds that are greater than a half acre in lot size.

MLA = Minimum Lot Area in square footage required in a given zoning district.

90 percent = A factor to account for public or private right-of-way required in a development.

When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.

3. Modifications to Area and Height Regulations:

Minimum lot area requirements contained in given zoning districts are modified in a Cluster Residential Subdivision to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

- (a) **Lot Area Requirements:** Dwelling units are not required to be on individual lots and there are no minimum lot sizes. However, when lots are included in a development plan, such lots shall be of sufficient size and shape to

accommodate dwelling units in compliance with the spacing and yard requirements defined herein.

- (b) **Minimum Yard Depths:** Individual buildings in a proposed development may not be located closer than fifty (50) feet to an existing or proposed public or private road pavement. Individual buildings also may not be closer than fifty (50) feet to any lot line that represents the boundary of the development. The minimum separation between free-standing principal or accessory buildings shall be not less than twenty (20) feet or a distance equal to the height of the tallest vertical wall that is most closely parallel with an adjoining structure, whichever is greater.

4. Sewage Disposal and Water:

Cluster Residential Subdivisions shall be served by full sewage disposal and water facilities consistent with applicable State or County regulations.

5. Wetlands in Cluster Residential Subdivisions:

Wetlands found within a site proposed to be developed as a Cluster Residential Subdivision must remain in a natural state and no off-site mitigation of wetlands shall be permitted.

6. Minimum Required Open Space:

All Cluster Residential Subdivisions shall incorporate fifty (50) percent of the total site's acreage as required open space. This required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site. In the case of phased developments, open space shall be provided in a proportional manner with a developed area.

7. Areas Not Considered Required Open Space:

Areas that specifically **shall not be** considered required open space include:

- (a) Private roads and public road rights-of-way;
- (b) Public or private parking areas, access ways, and driveways;
- (c) Required setbacks between buildings, parking areas, and project boundaries;
- (d) Required setbacks between buildings and streets;
- (e) Required minimum spacing between buildings and parking areas;

- (f) Private yards; and
- (g) Land that is subject to preexisting conservation easements or similar limitations on development.

8. Use of Required Open Space:

Areas designated for required open space may be:

- (a) Preserved in its natural state;
- (b) Designed and intended for the use and/or enjoyment of residents (or general public) of the proposed development;
- (c) Utilized as a buffer area to separate a development from surrounding properties;
- (d) Utilized for farming when authorized in a conservation easement or in an association's covenants and restrictions;
- (e) Utilized as wet or dry storm water management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; and
- (f) Used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose.

9. Design and Location of Required Open Space:

Land that is to be designated as required open space shall be designed as a connect and contiguous open space system and all residential properties shall have access to this open space.

10. Reclamation of Disturbed Open Space:

Any areas to be designated as required open space that is disturbed during construction or otherwise not preserved in its natural state shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

11. Future Subdivision and Development of Open Space:

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Berlin Township and duly recorded in the office of the Knox County Recorder's

Office. Subject to permanent restrictions as set forth above, required open space in a Cluster Residential Subdivision may be owned by an Association, Berlin Township, a land trust, or other conservation organization recognized by Berlin Township, or by a similar entity. Required open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowner's Association, Community Association, or other similar legal entity. The Township's legal advisor shall determine, based on documents submitted with the development plan, that the Association's bylaws or code of regulations specifies the following requirements:

- (a) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium;
- (b) The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

12. Conservation Easements:

With the permission of Berlin Township, the owner(s) of required open space may, in accordance with provisions of **ORC §5301.67 -.70**, grant or transfer a conservation easement to any entity described in **ORC §5301.68**, provided that the entity and the provisions of the conservation easements are acceptable to Berlin Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Berlin Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under **ORC §5301.68**, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

13. Development Plan Submission Requirements:

All proposed Cluster Residential Subdivisions shall provide a site analysis and a development plan to document compliance with all requirements of this section. This site analysis and development plan, together with any required application forms, shall be transmitted to and reviewed by the BZA in the manner described herein.

14. Site Analysis Content:

The site analysis shall specifically illustrate the following information:

- (a) All adjacent property within two hundred (200) feet of the subject property, including a description of adjoining land use(s) and location of buildings, structures, and human-made features within two hundred (200) feet of the project site;

- (b) Contour lines at vertical intervals of not more than two (2) feet, highlighting ridges, rock outcroppings, and other significant topographical features. The location of areas with existing slopes in excess of six (6) percent shall be designated;
- (c) Location of wetlands, rivers, and other watercourses. Other watercourses include all waterways that appear on 1:24,000 U.S.G.S. maps;
- (d) All existing buildings and structures on the subject property;
- (e) Description and location of soils classified as prime farmland soils according to the Knox County Soil Survey;
- (f) Sites of known historic, archaeological, or cultural significance, which may include stone walls, barns, earth mounds, and burial grounds;
- (g) The location of any land which is designated as a 100-year flood plain as defined by applicable Federal Emergency Management Agency Maps;
- (h) A description of woodlands and canopy cover on the property, including existing hedgerows and tree lines;
- (i) The location of land, which is occupied by wetlands as, defined by the U.S. Army Corps of Engineers;
- (j) The location and acreage of any land that may not be developed due to an existing conservation easement or similar legal limitation on the development of a parcel (with associated acreage); and
- (k) An illustration of existing drainage patterns and watersheds.

15. Development Plan Content:

In addition to the site analysis, a development plan shall be submitted to the Zoning Inspector for approval. A development plan shall include the following information illustrated on a plan drawn to scale of 1" = 100' or otherwise described with accompanying verbal material as necessary:

- (a) Boundaries of the area proposed for development with accurate dimensions and total acreage of all proposed land uses;
- (b) A summary of the proposed development broken down into component parts. Such component parts include numbers of residential units, types of residential units, and land proposed to remain as required open space and/or active recreation;

- (c) The exact location and dimension of private streets, common drives, and public street rights-of-way;
- (d) Exact location of building footprints or envelopes within which dwelling units are to be constructed. Proposed building envelopes or footprints shall demonstrate that building locations will be in compliance with applicable spacing and yard requirements;
- (e) All proposed lot lines with dimensions for all residential units for which individual ownership is proposed;
- (f) Description of proposed improvements within required open space, with the location and acreage of areas proposed for active recreation;
- (g) A detailed landscaping plan for new landscaping, including entry features and signs;
- (h) The Declaration, Articles, or Incorporation, and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowner's Association), and any other final covenants and restrictions and maintenance agreements to be imposed upon the use of all land and pertaining to the ownership, use, and maintenance of all common areas, including required open space;
- (i) Proposed utility easement locations;
- (j) Proposed pedestrian circulation system providing access to a required open space system;
- (k) Proposed design guidelines that express common architectural themes in buildings and other improvements;
- (l) A description of the proposed ownership and maintenance responsibility relative to the proposed required open space; and
- (m) A description of anticipated project phasing.

16. Review of Cluster Residential Subdivision:

Cluster Residential Subdivisions requires approval from the Zoning Inspector in accordance with Article XXVI.

17. Amendments:

After a Cluster Residential Subdivision has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested. Changes, as defined herein, may be permitted with approval by the BZA in accordance with Article XXVII.

18. Submission of Cluster Residential Subdivision:

All Cluster Residential Subdivisions shall be submitted to the Knox County Planning Commission for review and approval in accordance with the Knox County Subdivision rules and regulations.

ARTICLE VII
NONCONFORMING USES OR NONCONFORMING BUILDINGS

7.0 Existing Nonconforming Uses - Continuation:

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

7.1 Nonconforming Uses – Enlargement; Substitution; Etc.:

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

1. Substitution:

When authorized by the Board in accordance with the provisions of Article XXVII the substitution for a nonconforming use of another not more objectionable nonconforming use.

2. Nonconforming Use Made To Conform:

Whenever a nonconforming use has been changed to a conforming use, such shall not thereafter be changed to a nonconforming use.

7.2 Discontinuance of a Use:

No building or structure or premises where a nonconforming use has been discontinued for a period of twenty-four (24) months or more shall again be put to a nonconforming use.

7.3 Nonconformity - Performance Standards:

All uses nonconforming at the time of adoption of this resolution by reason of noncompliance with the provisions of Article XVIII if not otherwise stipulated by the Board, shall adopt necessary measures to conform within two (2) years of the adoption of this Resolution.

7.4 Repairs and Alterations:

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

7.5 Replacing Damaged Buildings:

Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, act of God, may be reconstructed and used as before, if it be done within twelve (12) months of such calamity.

7.6 Exception of Essential Services:

Essential services, as defined in this Resolution, shall be exempt from the provisions of Article 7.4 and 7.5 of this Article.

ARTICLE VIII
AG AGRICULTURAL DISTRICT

8.0 Purpose:

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

8.1 Uses Permitted in AG - Agricultural District:

1. Agricultural Uses/Sales, Commercial Grain Storage.
2. Single-family residential dwellings.
3. Public buildings, picnic grounds, religious and educational institutions.
4. Accessory Uses.

8.2 Conditional Uses in the AG - Agricultural District:

1. Uses of land including quarrying and mining of natural resources, sanitary fill and other types of landfill, refuse disposal and dumps.
2. Cemeteries, golf courses, except driving ranges or miniature golf.
3. Home Occupation.
4. Other uses deemed similar in nature as determined by the Appeals Board.

8.3 Required Lot Area and Lot Width in the AG District for Agricultural Uses:

For combined agricultural and residential use, each dwelling shall be located on a lot having an area of not less than five (5) acres and a lot width of not less than 250 feet and located 500 feet or more from existing agricultural building or buildings. The lot shall have a maximum depth to width that does not exceed the ratio of 5:1.

8.4 Required Lot Area and Lot Width in the AG District for Residential Use:

Each dwelling shall be located on a lot having not less than two acres* in area and a lot width of not less than 170 feet at the building line. The lot shall have a maximum depth to width ratio of 3:1.

* Five (5) acres when agriculture is principal use.

8.5 Height Regulation in AG District:

No building, except those for agricultural purposes, shall exceed two and one-half (2 ½) stories or 35 feet in height.

8.6 Required Yards in the AG District:

All dwellings shall have the following minimum yard space:

Front Yard	50 feet from edge of right-of-way
Side Yard	20 feet
Rear Yard	50 feet

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

8.7 Lot Access

Every lot located in the agricultural district is permitted to have only one curb cut to access the property, unless the Board of Zoning Appeals approves the additional curb cut(s) in accordance with Article XXVII.

8.8 Required Floor Area in the AG District:

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

1. Single-family dwelling*

With Basement	1000 Square Feet
Without Basement	1200 Square Feet

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

8.9 Off-Street Parking Requirements in the AG District:

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

8.10 Agricultural Structures - Area, Width and Yard:

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

8.11 Maintenance of Vacant Lots:

Vacant lots shall be kept mowed in order to insure clear vision for vehicular traffic and effective weed control. Lots shall be mowed a minimum of twice annually.

8.12 Minor Lot Split:

Based on comprehensive planning, the continued viability of agricultural areas is considered to be important to the public health, safety and morals of Berlin Township. This continued viability of agricultural areas is threatened by random and unplanned residential development. Having concluded that large minimum lot size requirements for residential uses waste precious agricultural land, Berlin Township hereby regulates the extent to which existing parcels of land may be subdivided as a means to control population density and reduce land fragmentation. In addition to minimum lot sizes, lot width and similar requirements contained in this Resolution, the creation of new lots are regulated in the following way:

Any lot in existence as of November 14, 2001, shall be considered an original tract for the purpose of this section. Thereafter, this original tract may be subdivided only in accordance with the requirements of this section.

1. An original tract may be subdivided a specific number of times dependant on the size of the original tract. The following chart outlines the maximum number of times an original tract may be subdivided. If the original tract falls between a range of sizes hereunder, the number of times the original tract may be subdivided shall correspond with the smaller acreage size.

Acres	Number of Subdivisions
0-20	1
30	2
40	3
50	4
60	5
70	6
80	7
100	8
150	9
200	10

2. Once an original tract has been subdivided to the maximum extent allowed, a current or future property owner may exceed the number of subdivisions allowed by obtaining a variance in accordance with Article XXVII or by rezoning the property to a different zoning district.
3. Each and every split, whether single or multiple, shall satisfy the requirements set forth in the Land Subdivision Regulations for Knox County, as regulated by the Knox County Regional Planning Commission. This is a requirement of this Zoning Resolution that exceeds the county requirements.

ARTICLE IX
LC / OS LAND CONSERVATION / OPEN SPACE DISTRICT

9.0 Purpose:

The purpose of the LC / OS district is to maintain relatively large tracts for conservation or recreational uses to be used/ enjoyed primarily by residents of Berlin Township.

9.1 Uses Permitted:

1. Parks
2. Open Space

9.2 Conditional Uses:

1. Any other uses deemed similar in nature as determined by the Appeals Board.

ARTICLE X
KLWD - KNOX LAKE WILDLIFE DISTRICT

10.0 Purpose:

The purpose of the Knox Lake Wildlife District is to protect the lake land adjacent to Knox Lake from any type of development, with the intent of preserving this area in its natural state.

10.1 Conditions:

No structures or buildings are permitted in this district. All activities occurring in this district shall not have a detrimental effect on the natural environment or wildlife.

ARTICLE XI
R-1 RURAL RESIDENTIAL DISTRICT

11.0 Purpose:

The purpose of the R-1 District is to accommodate rural residential development at a low density to preserve the area's rural character as encouraged by the Knox County Comprehensive Plan. Uses permitted in the area will have access to septic systems and private wells. This district is also designated to accommodate public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

11.1 Uses Permitted in the R-1 District:

1. Single-family residential dwelling
2. Light agricultural uses, including nurseries and raising of farm products (not to include livestock). Seasonal products may be sold on the premises.
3. Churches, schools, libraries, museums and art galleries, parks, playgrounds, community centers, cemeteries, public services, and utility office buildings.
4. Accessory buildings and uses.
5. Cluster Residential Subdivision.

11.2 Conditional Uses in the R-1 District:

1. Professional and Business Offices.
2. Home Occupation.
3. Conventional Subdivision.
4. Other uses deemed similar in nature as determined by the Appeals Board.

11.3 Required Lot Area and Lot Width in the R-1 District:

Each dwelling shall be located on a lot having an area of not less than one (1) acre and a lot width of not less than one hundred (100) feet. The lot shall have a depth to width ratio of 3:1.

11.4 Required Floor Area in the R-1 District:

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

1. Single-family Dwelling

With Basement	1000 square feet
Without Basement	1200 square feet

11.5 Height Requirements in the R-1 District:

No residential dwelling shall exceed 2 ½ stories or 35 feet in height.

11.6 Required Yard in the R-1 District:

All structures shall have the minimum yard spaces:

Front Yard	40 feet
Side Yard	15 feet
Rear Yard	40 feet

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

11.7 Lot Access:

Every lot located in the R-1 district is permitted to have only one curb cut to access the property, unless the Board of Zoning Appeals approves the additional curb cut(s) in accordance with Article XXVII.

11.8 Off-Street Parking and Loading:

There shall be, in the R-1 District, off-street parking in accordance with Article XIX.

11.9 Basement Dwellings:

Basements constructed for the purpose of a family or private dwelling shall be prohibited in Berlin Township.

11.10 Maintenance - Vacant Lots:

Vacant lots shall be kept mowed in order to insure clear vision for vehicular traffic and effective weed control. Lots shall be mowed a minimum of twice annually.

ARTICLE XII
R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

12.0 Purpose:

The purpose of the R-2 district is to accommodate residential development at a higher density than that permitted in the R-1 district, and to encourage a mixture of housing types. This district shall only be permitted when the residential development has access to central water and sewer facilities.

12.1 Uses Permitted in the R-2 District:

1. Single-and two-family residential dwellings.
2. Churches, schools, libraries, museums and art galleries, parks, playgrounds, community centers, cemeteries, public services, and utility office buildings.
3. Accessory buildings and uses.
4. Cluster Residential Subdivision.

12.2 Conditional Uses in the R-2 District:

1. Professional and business offices.
2. Multi-family dwellings.
3. Home Occupation.
4. Conventional Subdivision
5. Nursery School or Child Care Facilities.
6. Other uses deemed similar in nature as determined by the Appeals Board.

12.3 Required Lot Area and Lot Width in the R-2 District:

Each dwelling shall be located on a lot having an area of not less than 14,000 square feet and a lot width of not less than ninety (90) feet.

12.4 Required Floor Area in the R-2 District:

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

- | | |
|---------------------------|-----------------------------|
| 1. Single-family Dwelling | |
| With Basement | 1000 square feet |
| Without Basement | 1200 square feet |
| 2. Two-family Dwelling | |
| With Basement | 800 square feet (per unit) |
| Without Basement | 1000 square feet (per unit) |

3. Multi-family Dwelling	
With Basement	750 square feet (per unit)
Without Basement	900 square feet (per unit)

12.5 Height Requirements in the R-2 District:

No residential dwelling shall exceed 2 ½ stories or 35 feet in height.

12.6 Required Yard in the R-2 District:

All structures shall have the minimum yard spaces:

Front Yard	15 feet
Side Yard	10 feet
Rear Yard	25 feet

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

12.7 Lot Access:

Every lot located in the R-2 district is permitted to have only one curb cut to access the property, unless the Board of Zoning Appeals approves the additional curb cut(s) in accordance with Article XXVII.

12.8 Off-Street Parking and Loading:

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

12.9 Basement Dwellings:

Basements constructed for the purpose of a family or private dwelling shall be prohibited in Berlin Township.

12.10 Maintenance - Vacant Lots:

Vacant lots shall be kept mowed in order to insure clear vision for vehicular traffic and effective weed control. Lots shall be mowed a minimum of twice annually.

ARTICLE XIII
MANUFACTURED HOME PARK DISTRICT (MHPD)

13.0 Purpose:

The Manufactured Home Park District (MHPD) may be applied to any areas suited for residential development. Permitted uses in the MHPD shall be limited to manufactured homes and other uses typically found in a residential district. Manufactured home parks may only be located within the MHPD in accordance with the standards and regulations established herein.

13.1 Permitted Uses:

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one (1) of the following permitted or accessory uses.

1. Manufactured homes.
2. Community center.
3. Churches.
4. Library.
5. Public Parks, playground, play fields, golf course, and other similar uses.
6. Nursery schools or child care facilities.

13.2 Conditionally Permitted Uses:

Any other uses deemed similar in nature as determined by the Board of Zoning Appeals (Article XXVII).

13.3 Accessory Uses:

1. Any accessory use or structure incidental or customary to the operation of the permitted uses and not involving the conduct of any business, trade, or industry may be permitted.
2. Permanently affixed swimming pools, principally for the use of the residents, may be permitted provided that the pool is not located less than twenty (20) feet from the property line and that the applicant satisfies the requirements outlined in Article XXII.

13.4 General Requirements:

All manufactured home parks shall comply with the requirements set forth in the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code. The MHPD shall also satisfy requirements set forth in the 1974 Manufactured Home Construction and Safety Standards Act, and any other applicable local or state regulations. Any property rezoned to MHPD should exhibit the following characteristics:

1. Areas zoned for MHPD should be served adequately by essential public facilities and services such as adequate public thoroughfares, drainage, refuse disposal, school facilities, and police and fire protection.
2. Areas zoned for MHPD should exhibit characteristics that provide for safe vehicular movement into and out of the site to avoid traffic circulation problems and congestion.
3. Areas zoned for MHPD should be located in or near areas with a similar population density in conformance with any community plans.

13.5 Fees:

Subject to the provisions set forth in most current Resolution.

ARTICLE XIV
C-1 GENERAL COMMERCIAL DISTRICT

14.0 Purpose:

The purpose of the C-1, General Commercial District, is to provide for the development of retail and service establishments that cater to the daily needs of the community by offering convenient goods and services, also includes establishments offering comparative-type shopping facilities. Outdoor lighting shall be shielded and not visible from adjacent properties, and not cause a direct nuisance to the general public.

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

14.1 Uses Permitted in the C-1, General Commercial District:

1. Major Retail Outlets: furniture, department, clothing, shoe, and variety store, hardware, appliance, paint and wallpaper stores.
2. Banks and Financial Institution
3. Food, Drug, and Beverages: grocery stores, supermarkets, meat markets, drug stores, and liquor stores, bakery in conjunction with retail stores, restaurants, tea rooms, and taverns.
4. Hotel/Motel
5. Medical and Dental Clinics
6. Specialty Shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, and sporting goods.
7. Service and Recreation: laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shops, and places of amusement and assembly.
8. Business and Professional Offices: medical and dental offices and clinics; law offices; insurance and real estate offices; banks, finance and utility companies.
9. Accessory Uses or Buildings.
10. Nursery School or Child Care Facilities.
11. Restaurants (without drive-thru).

12. Business and Advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential districts or into the public way, and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing, intermittent red, green, or amber illumination.

14.2 Conditional Uses Permitted in the C-1 General Commercial District:

1. Any conditional use permitted in the residential districts.
2. Building Trades or Equipment: building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building materials establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises).
3. Vehicle Drive-in and Heavy Vehicle Services: drive-in theaters, drive-in restaurants and refreshment stands; express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.
4. Heavy Service and Processing Facilities: laundry and dry cleaning plants; linens, towels, diaper and similar supply services; animal pounds, kennels and veterinary establishments; frozen food lockers; seed and food processing plants; dairies.
5. Business and Advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused so as not to reflect direct rays of light into adjacent residential districts or into the public way, and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing, intermittent red, green, or amber illumination.
6. Restaurants (with drive-thru).
7. Automotive and Related Uses: new and used car sales, service and repair; gasoline filling stations, motorcycle and bicycle shops; cab and bus stands and depots.
8. Other uses deemed similar in nature as determined by the Appeals Board.

14.3 Required Lot Area and Lot Width in the C-1 General Commercial District:

1. Residential Uses:
Each residential use to be accommodated in the C-1 General Commercial District shall meet the minimum lot area and minimum lot width requirements of the specific district.
2. Commercial Uses:
No minimum lot area or minimum lot width is required for commercial uses.

14.4 Building Height Regulation In the C-1 General Commercial District:

In the C-1 General Commercial District, no building shall exceed three stories in height.

14.5 Required Yards in the C-1 District:

1. Residential Uses:

Each residential use to be accommodated in the C-1 General Commercial District shall meet the minimum yard requirements of the specific district.

2. Commercial Uses:

Front Yard: 50 feet with the appropriate landscaping requirements as set forth in Article XVI.

Side Yard: All uses require a ten (10) foot side yard when adjacent to another commercial district. Commercial uses that are adjacent to a residential district are required to have a forty (40) foot side yard with landscaping to improve the aesthetics of the area.

Rear Yard: Twenty (20) feet. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements. Commercial uses that are adjacent to a residential district are required to have a forty-five (45) foot rear yard with appropriate landscaping requirements to improve the aesthetics of the area.

14.6 Off-Street Parking and Loading Requirements:

There shall be provided in the C-1 district off-street parking and loading in accordance with the provisions of Article XIX.

14.7 Landscaping or Screening Provisions:

For nonresidential uses abutting a C-1 District, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board, is provided. Such screening shall be a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four (4) feet in height.

14.8 Interior Parking Landscaping Requirements:

All commercial uses shall satisfy the landscaping requirements as set forth Article XVI.

14.9 Maintenance - Vacant Lots:

Vacant lots shall be kept mowed in order to insure clear vision for vehicular traffic and effective weed control. Lots shall be mowed a minimum of twice annually.

**ARTICLE XV
LIGHT INDUSTRIAL DISTRICT**

15.0 Purpose:

The purpose of the I-1 Light Industrial District is to accommodate research and development activities, manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, in which activities are conducted wholly within an enclosed building. Finished products may be temporarily stored outdoors pending shipment.

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

15.1 Uses Permitted in the I-1 Light Industrial District:

1. Any uses permitted in the C-1 General Commercial District.
2. Banks and Financial Institutions (with or without drive-thru).
3. Business support services.
4. Commercial, Trade, or Business Schools.
5. Community Organizations.
6. Manufacturing or assembly of finished products, as long as the primary use of the property is not basic processing and compounding of raw materials.
7. Laboratories for research and product development.
8. Medical and dental laboratories.
9. Laundry; cleaning and dyeing works; carpet and rug cleaning.
10. Nursery School or Child Care Facilities.
11. Offices for professional, administrative, clerical, financial, medical, or other business or professional services.
12. Public Service Facilities.
13. Restaurants (with or without drive-thru).

15.2 Conditional Uses Permitted in the I-1 Light Industrial District:

All uses otherwise prohibited by law, except residential uses, and when approved by the Appeals Board.

The Appeals Board may give approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Light Industrial District in which it is located. Such special uses shall be subject to any requirements that the Appeals Board feels necessary to further the purpose of the Light Industrial District, as stated in the preamble.

15.3 Required Lot Area and Lot Width in the Light Industrial District:

Each use to be established in the I-1 District shall provide a minimum lot area of eight thousand (8,000) square feet and a minimum lot width of sixty (60) feet.

Building Height Regulation in Light Industrial District:

No building in the I-1 District shall exceed fifty (50) feet in height.

15.4 Yards Required in the Light Industrial District:

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

Front Yard: Fifty (50) feet

Side Yard: Ten (10) feet except where a side yard abuts a residential district in which case a side yard of forty-five (45) feet shall be provided.

Rear Yard: Twenty-five (25) feet except where a rear yard abuts a residential district in which case a rear yard of fifty (50) feet shall be provided.

15.5 Screening Required Between the Light Industrial and Residential District:

Newly established industrial adjacent to or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.

15.6 Landscaping Requirements:

All industrial uses shall meet the general landscaping provisions set forth in Article XVI.

15.7 Off-Street Parking and Loading:

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

15.8 Interior Landscaping of Parking Areas:

All industrial uses shall satisfy the landscaping requirements as set forth Article XVI.

15.9 Maintenance of Vacant Lots:

Vacant lots shall be kept mowed in order to insure clear vision for vehicular traffic and effective weed control. Lots shall be mowed a minimum of twice annually.

ARTICLE XVI
MINIMUM LANDSCAPE REQUIREMENTS

16.0 General Requirements:

1. Service courts, storage areas, and loading docks shall be screened along the entire rear lot line and side lot lines, as necessary. Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height.
2. Trash containers designed to service more than one (1) residential unit or to service a nonresidential structure shall be screened on three (3) sides by walls, fences, or natural vegetation or an acceptable combination of these elements. The height of such screening shall be at least six (6) feet. The maximum height of walls and fences shall not exceed ten (10) feet. Vegetation shall have a minimum opaqueness of seventy-five (75) percent at all times within two (2) years of planting. Vegetation shall be a variety and size that will attain six (6) feet in height within two (2) years of planting.

16.1 Interior Parking Area Landscaping:

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

An area equal to five (5) percent of the total area devoted to parking space and parking lanes shall be landscaped and permeable.

Whenever possible, large parking areas of thirty thousand (30,000) square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention/detention areas that contain water throughout the year.

Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be one hundred eighty (180) square feet with a two (2)-foot minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of ten (10) feet. Islands shall typically be located every ten (10) to twelve (12) parking spaces and may be curbed.

The required plant materials for the interior of parking areas shall be one (1) deciduous tree for every three thousand (3,000) square feet. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5) feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not

to exceed two (2) feet in height.

Areas located between any parking area and public right-of-way shall be landscaped with elements such as mounding, trees, ground cover, and shrubs.

16.2 Buffer Yards:

1. Purpose:

The buffer yard is a portion of a lot, together with required planting/fencing, that will serve to diminish land use conflicts. Buffer yards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

2. Applicability:

Nonresidential buildings or uses shall not be located or conducted closer than fifty (50) feet to any lot line of a residential district or residence, except where minimum yard requirements require greater distances.

3. Location:

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way. In any district or instances where a buffer yard is required, it shall be maintained in such a manner that the visibility is unobstructed from intersecting streets within eighty (80) feet in each direction from the intersection of the street centerline.

4. Visual Screening:

(a) Screening shall be required when nonresidential buildings or uses, except those uses or buildings exempted under O.R.C. 519.21 and 519.211, are proposed to be located next to land that is zoned for residential usage.

(b) The following options are available in meeting the Township's screening requirements:

(I) Obscuring Wall Option: An obscuring wall shall be either a solid masonry or solid wooden fence maintained in good condition and free of all advertising or other signs. When the height of the structure's wall is less than fifteen (15) feet in height, the obscuring wall shall not be less than one-half of the height of the structure's wall. When the structure's wall is greater than fifteen (15) feet in height, a landscaped mound shall be required.

(1) The obscuring wall shall be constructed to completely obscure vision.

(2) Required walls shall be located on the lot line except where underground utilities interfere and in instances where this Resolution requires conformance with front yard setback lines when abutting residential districts. Upon review of the site plan, the Zoning Inspector may approve an alternate location for the wall or may waive immediate installation for a period not to exceed six (6) months, if in specific cases

it would not serve the purposes of screening the use effectively.

- (3) Such walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Resolution or approved by the Zoning Inspector. All walls herein required shall be durable, weather resistant, rustproof, and easily maintained.
- (4) Masonry walls may be constructed with openings which do not in any square section (height or width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Inspector.

(II) Landscaping/Mounding Option: The landscaping/mounding option in lieu of the obscuring wall shall consist of a strip of land not less than twenty-five (25) feet in width, with earthen mound(s) not less than four (4) feet in height with slopes not exceeding 3:1 and planted with materials, spacing and maintenance as set forth below. In the event that the landscaping mounding provision is utilized, the following criteria shall be used by the Zoning Inspector to insure uniformity throughout the Township. The combined height of the plant materials and mounding shall be not less than one-half of the height of the wall most nearly parallel with the lot line that adjoins a residential district at the time of planting.

- (1) Plant Materials – Whenever, in this Resolution, a planting is required, it shall be installed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent, live plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided. The use of a variety of plant materials is encouraged to create visual interest. Within three years, the combination of mounding and plant materials shall provide not less than fifty (50) percent opacity to a height not less than one-half of the building wall most nearly parallel with the lot line.
- (2) Plant Material Spacing -
 - (a.) Plant materials shall not be placed closer than four (4) feet from the property line.
 - (b.) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
 - (c.) Evergreen trees shall not be less than four (4) feet in height.
 - (d.) Narrow evergreens shall be planted not less than four (4) feet in height.
 - (e.) Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall not be less than six (6) feet in height.

- (f.) Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than four (4) feet in height.
 - (g.) Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall not be less than two (2) inch caliper.
- (3) Maintenance - Plant material shall be maintained in a healthy and growing condition and withered or dead plant materials shall be replaced within a reasonable time, but no longer than one growing season.

**ARTICLE XVII
SPECIAL PROVISIONS**

17.0 Performance Standards:

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition unless the following performance standards are observed:

1. Fire hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
2. Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
3. Noise: Noise which is objectionable as determined by the Board due to volume, frequency, or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
5. Smoke: Smoke shall be controlled as much as economically possible as determined by the Township Trustees.
6. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
7. Air Pollution: No pollution of air by fly ash, dust, vapor, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause soiling.
8. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
9. Erosion: No erosions by either wind or water shall be permitted which will carry objectionable substances into neighboring properties.
10. Water Pollution: Pollution of water shall be subject to the requirements and regulations established by the Environmental Protection Agency.

17.1 Enforcement Provisions:

All uses existing on the effective date of this Resolution shall conform to these performance requirements within two (2) years, provided that an extension of up to six

(6) months is granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use that is likely to violate performance requirements to the Board for review, in accordance with Article XXVII.

17.2 Cellular Or Wireless Communications Towers:

1. Co-location: The cellular or wireless communication tower applicant is required to provide evidence that it has investigated and exhausted all other possible options for co-location with another facility or attachment to another structure. The applicant is required to provide written proof that it has contacted the owners of all other possible locations including those of other tall structures (smoke stacks, water towers, buildings, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway light poles) within a one (1) mile radius of the proposed site and asked for permission to install the cellular communications equipment on those structures and was denied for reasons other than economic ones.

The township may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

2. Setbacks From The Base Of The Tower: If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and any existing off-site residence or previously platted residential lot lines shall be the greater of the following:
 - (a.) The minimum setback required in the township zoning district
 - (b.) A distance equal to the height of the tower.
3. Lot Size: The minimum lot size requirement shall be the greater of the following:
 - (a.) The minimum size required by the township zoning district.
 - (b.) The minimum lot required to accommodate the setback requirements for the tower height and supports.
4. Site Plan And Proposal Requirements: A full site plan shall be required for all proposed cellular or wireless communication sites, at a scale of 1 inch to 100 feet (1" = 100'), indicating the following:
 - (a.) Total site area.
 - (b.) The existing zoning of the property and all adjacent properties.

- (c.) All public and private right-of-way and easement lines located on or adjacent to the property and the proposed plan for these lines whether they are to be continued, created, relocated or abandoned.
- (d.) Existing topography with a maximum of five (5) foot contour intervals and proposed grading plan with a maximum of five (5) foot contour intervals.
- (e.) The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all support structures including all dimensions, heights, and the floor area of any support buildings or structures.
- (f.) The locations and dimensions of all curb cuts, roads, parking and loading areas including number of spaces, spot grades, materials list, drainage, and lighting plans.
- (g.) A landscape plan to include all proposed sidewalks, open space, screening, fences, walls, and vegetation.
- (h.) All existing and proposed utilities including types and grades.
- (i.) The project schedule.
- (j.) A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular communications tower on all adjacent properties and that all FCC and FAA requirements will be met and addressed.
- (k.) A summary explanation of why the proposed facility cannot be located on any other existing structure or tower, and use sound engineering evidence to demonstrate that the proposed location is necessary in the interest of public safety or a practical necessity to satisfy the necessary function in the cellular or wireless communication grid system.
- (l.) Evidence that the proposed communications tower is structurally designed to support at least one additional user, and that the applicant provides a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.

Upon submission of a complete application for a site plan review to the zoning inspector, it will be determined if the plan meets the purpose and requirements as established in the ordinance and the requirements of the township zoning district. No

public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications or disapproval of the site plan and proposal.

5. Maintenance:

- (a) Any owner of a cellular or wireless communications tower shall maintain such property and all structures in good condition, maintain landscaping and keep the site free from trash, outdoor storage, weeds, and other debris.
- (b) Any tower found through inspection by the owner or the township zoning inspector to be structurally unsafe and cannot be brought into compliance within 180 days must be removed at the tower owner's expense.
- (c) Notice shall be provided to the zoning inspector when the tower service has been discontinued. Towers which are not used for a period of six (6) continuous months or more shall be removed by the tower owner within 120 days of the receipt of notification to that effect. Discontinued shall include to mean the structure has not been properly maintained, has been abandoned, become obsolete or has ceased the daily activities or operations which had occurred.

6. Tower Safety

- (a) The tower owner shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. All cellular and wireless communication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
- (b) A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to nonauthorized personnel.

7. Appearance

- (a) No commercial advertising shall be allowed on the tower or its related facilities.
- (b) The color of the tower shall be neutral, except to the extent required by Federal Law, so as to minimize visual impact.
- (c) Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (d) A landscape buffer and screen shall be installed to provide separation and create a visual block from adjacent properties and roads. A buffer shall be installed around the perimeter of the tower site and all improvements on the site including

the tower and guy anchors, any ground buildings or equipment, and security fencing.

8. Penalty: Whoever violates sections 519.01 to 519.25, inclusive, of the Revised Code shall be fined not more than one hundred dollars a day for each offense.

ARTICLE XVIII CONDITIONAL USES

18.0 Location of permitted uses:

Wherever it is stated in this resolution, certain conditional uses may be permitted in a district, if their location is first approved and certified by the Appeals Board, and where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the Master Plan. Before the Appeals Board makes its final determination, it shall hold a public hearing as specified in this subsection. Conditional uses existing at the time of adoption of this Resolution may be continued.

18.1 Procedure:

1. Written applications for approval of conditional uses shall be filed with the Appeals Board upon forms prescribed for that purpose by the Appeals Board. A deposit of seventy-five (75) dollars shall be paid upon the filing of each application for the purpose of defraying the actual cost of the proceedings described herein. In the event the actual cost is less than \$75.00, the balance shall be returned to the applicant. A written receipt shall be issued to the person making such payment and records thereof shall be kept in such manner as prescribed by law.
2. The Appeals Board shall hold a public hearing on each application for a conditional use and shall cause the property in question to be posted with a placard stating the date of hearing and the nature of the conditional use requested. The Appeals Board may use any additional means of notification it deems desirable and proper.
3. The Appeals Board shall make its findings and determination in writing within forty (40) days from the date of filing of an application and shall forthwith transmit a copy thereof to the applicant. No decision of the Appeals Board under this Article shall become effective until after an elapsed period of five (5) days from the date the written determination is made during which time the applicant, or any other person aggrieved, may appeal to the Court of Common Pleas of Knox County on the ground that the decision was unreasonable or unlawful.
4. In approving the uses referred to in this section, the Appeals Board shall have authority to impose such conditions, as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Master Plan.

**ARTICLE XIX
OFF-STREET PARKING AND LOADING REGULATIONS**

19.0 Off-Street Parking:

Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereinafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of two hundred and fifty (250) square feet per parking space shall be used. The number and size specification of parking spaces designated for the physically disabled shall satisfy the requirements set forth in the American Disabilities Act (ADA).

19.1 Number of Parking Spaces Required:

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

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	1 space for every 600 sq. ft. of floor area
Banks, Business and Professional Offices	1 space for every 400 sq. ft. of floor area
Bowling Alleys	4 spaces plus one additional space for every 1.5 employees.
Churches and Schools	1 space for every 5 seats in an auditorium or 1 for each 12 classroom seats; whichever is greater
Dance Halls and Assembly used for Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 space for every 100 sq. ft. of floor area used for assembly or dancing
Dwellings	2 space for each family or dwelling unit
Funeral Homes, Mortuaries	1 space for every 50 sq. ft. of floor area in the public rooms, plus one space for each vehicle maintained on the premise, plus one space for each employee.

Furniture & Appliances Store, household equipment or furniture repair shop over 1,000 sq. ft. floor area	1 space for every 1000 sq. ft. of floor area
Hospitals	1 space for every 4 beds
Hotels, Lodging Houses	1 space for each bedroom
Libraries, Museums, or Art Galleries area	1 space for every 250 sq. ft. of usable floor area
Plants, Research or Testing Laboratories, Bottling Plants over 1,000 sq. ft. in area	1 space for every 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater
Medical or Dental Clinics	1 space for every 200 sq. ft. of usable floor area
Motels and Motor Hotels	1 space for each living or sleeping unit
Restaurants, Beer Parlors, and nightclubs of over 1,000 sq. ft. in area	1 space for every 200 sq. ft. floor area
Retail Stores, Shops, etc., of over 2,000 sq. ft. floor area	1 space for every 150 sq. ft. floor area
Sanitariums, Convalescent Homes, Children Homes	1 space for every 5 beds
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than schools	One space per each six seats or nine linear feet of fixed benches, or one space for each 45 sq. ft. of floor area without fixed seats.
Wholesale Establishments or Warehouses	1 space for every 3 employees on maximum shift or every 3,000 sq. ft. of floor area, whichever is greater

19.2 Development and Maintenance of Parking Areas:

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. Screening and Landscaping: Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins a premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) feet and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge, or

dense planting of evergreen shrubs not less than four (4) feet in height.

2. Surfacing: Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.
3. Joint Use of Parking Areas: Parking spaces may be located on a lot other than that containing the principal use, with approval of the Board, provided a written agreement approved by the Board and accepted by the Board of Township Trustees shall be filed with the application for a zoning permit.
4. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.
5. Parking Areas - Modifications: The Board may authorize on appeal, a modification, reduction, or waiver of the foregoing requirements, if it should find that in the particular case appealed, the peculiar nature of the residential, business, trade, industrial, or other use, or the exceptional shape or size of the property or other exceptional situation, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Zoning Commission regarding the appeal.

19.3 Off-Street Loading:

In any district, in connection with every building or part thereof, erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each ten thousand (10,000) square feet or major fraction thereof, of gross floor area so used in excess of ten thousand (10,000) square feet.

19.4 Loading Space - Dimensions:

Each loading space shall be not less than ten (10) feet in width, twenty (25) feet in length, and fourteen (14) feet in height.

19.5 Loading Space – Occupy Yard:

Subject to the limitations in this Article XXVIII, such space may occupy all or any part of any required yard.

19.6 Loading Space - Distance from R-District:

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

ARTICLE XX
DISPLAY SIGNS AND OUTDOOR ADVERTISING

20.0 Purpose:

The purpose of these signage regulations is to regulate the use, location, and size of signs throughout the Township in an orderly manner that will promote public health, safety, convenience, comfort, general welfare, and traffic safety.

20.1 Commercial Signs and Billboards Advertising Shall:

Observe the setback (front yards) requirements of the districts in which they are located, except that at any intersection along any road or street shown in the Major Road Plan of Knox County, the setback on unimproved land shall not be less than 100 feet from the right-of-way lines (existing or as established) of each such road and intersecting streets.

Billboard advertisements shall be permitted in the AG, C-1, and I-1 districts and shall satisfy the following requirements:

1. No billboards shall be located so as to be visual from County Road 14, which is identified as a scenic route according to the Knox County Comprehensive Plan.
2. A billboard shall not be located closer than one thousand (1,000) feet to another billboard advertisement.
3. A billboard shall be located a minimum of five hundred (500) feet from the public right-of-way.
4. Billboard signs shall not be located within 300 feet of any entrance to a park, library, school, church, playground, hospital, or similar institution.
5. Freestanding billboard signs require a building permit to be issued by the Zoning Inspector to ensure the billboard is in conformance with all local zoning requirements.

20.2 Real Estate Signs and Signs Advertising only the Goods or Services Provided on the Premises Shall:

Be set back off the right-of-way line (existing or as established).

Not be lighted in any way so as to cause unnecessary interference with the use and enjoyment of nearby residential or institutional uses or with the safety of vehicular traffic; and

Not to exceed to following square footage in each particular district:

- Ten (10) square feet in the AG District;
- Four (4) square feet in the R-1 & R-2 Districts;
- Fifty (50) square feet in the C-1 District; and

One hundred (100) feet in the I-1 District.

20.3 Traffic Obstruction:

No display sign shall be so placed as to obstruct or interfere with a required doorway, or other required means of ingress or egress or traffic visibility.

20.4 R-Districts - Signs Prohibited - Except:

No display signs (except those exempted - church signs and temporary signs) shall be permitted in any R-Districts. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four (4) feet in the R-1 and R-2 districts.

20.5 Church or Institutional Signs - Directional:

Any bona fide church, religious seat or congregation, public or semi-public institutional use, such as a government building, hospital, school, etc., may erect directional signs in the Township, subject to the following specifications:

1. Support and Location: Such signs shall be mounted on a street post embedded in concrete between the sidewalk and curb, so that the bottom of the sign shall be at least 6 feet from the ground. There shall be not more than one church sign located on the corner of any street intersection.
2. Design: All church signs may be of uniform design, size and construction as specified by the Board.
3. Permission - Property Owner: The church, religious sect or congregation shall secure in writing permission from the owner of the property in front of which such sign is sought to be erected. Such permission shall be filed with the Zoning Inspector who will issue the required permit upon approval of the location by the Board.
4. Bonds: Bond shall be provided as required for other display signs.
5. Church Signs - Bulletin Board: Any bona fide church, religious sect or congregation, or community center may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area on the same premises upon which such use is located. If not attached flat against the building, said sign shall be at least fifteen (15) feet from all street lines.

20.6 Temporary Signs:

The Board may authorize the installation of temporary signs in accordance with the requirements of this paragraph and subject to such additional requirements and conditions as it may deem necessary.

1. Banners: And similar temporary signs in connection with public or semi-public promotional or festive occasions.
2. Subdivision Signs: Signs advertising sale of lots in an undeveloped subdivision may be erected and displayed in said subdivision provided that not more than one such sign facing on any one street shall be permitted in any subdivision; and provided that each such sign shall be removed at the expiration of one year after its erection or when 60% of the lots fronting on the street which such sign faces have been built upon and occupied as residences, whichever occurs first.
3. Contractors' Signs: Signs announcing the names of contractors, subcontractors and material-men participating in the construction of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.

20.7 Surety Bond:

The owner or person in control of a display sign suspended over a street or extending into a street more than one foot beyond the building line, whether permanent or temporary, shall execute a bond as required.

20.8 Fees:

Fees shall be subject to the provisions set forth in this Resolution.

ARTICLE XXI EXTRACTION OF MINERALS

21.0 General Requirements:

Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any C-1 and AG districts may file with the Board an application for authorization to mine minerals there from, provided, however, the applicant complies with all requirements of the district in which said property is located, satisfies the requirements set forth in **Section 1514** of the **Ohio Revised Code**, and complies with the following requirements:

1. **Distance from Property Lines:** No quarrying operation shall be carried on or any stock pile placed closer than one hundred (100) feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property.
2. **Distance from Public Right-of-Way:** In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road not part of such, no operations shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way.
3. **Fencing:** Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board.
4. **Equipment:** All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
5. **Processing:** The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations of the District in which the operation is located.
6. **Surety Bond:** A surety bond in the amount of \$10,000 shall be obtained and attached to the drilling permit application to be filed with said application conditional upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such well or the drilling of the well including damage to streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, and drainage facilities, but not necessarily limited thereto. Such Bond is to be held by the Township Trustees upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

21.1 Applicant - Financial Ability:

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

21.2 Application - Contents, Procedure:

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

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

21.3 Public Hearing:

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

21.4 Rehabilitation:

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

1. Surface Rehabilitation: All excavations shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back-filled with non-noxious, noninflammable and noncombustible solids, to secure:

- (a) That the excavated area shall not collect and permit to remain therein stagnant water; or
 - (b) That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinafter provided.
3. Banks of Excavations Not Back-filled: The banks of all excavations not back- filled shall be sloped to the waterline at a one (1) foot vertical and shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

21.5 Additional Requirements:

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

21.6 Gas and Oil Wells:

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

1. Compliance with all applicable laws of the State of Ohio.
2. No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way nor within 100 feet of a residential lot line.

**ARTICLE XXII
PRIVATE SWIMMING POOLS**

22.0 Definition:

A private swimming pool, as regulated herein, shall be any pool, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

Exclusive Private Use: The pool is intended and is to be used solely for enjoyment of the occupants, and their guests, of the principal building of the property on which it is located.

Distance Requirements: The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line of the property on which located; provided, further, that pump and filter installations shall be located not closer than 20 feet to any property line.

Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

Permit Required: No person, firm or corporation shall construct or install a swimming pool or make any alteration therein, or in the appurtenances thereof without having first submitted an application and plans therefore to the Zoning Inspector and the Health Commissioner.

ARTICLE XXIII
Ponds

23.0 Definition:

Any inland body of water that is in its natural state or artificially formed state and has an area of more than one acre. A pond is permitted in all districts and shall comply with the following requirements:

1. The Knox County Soil and Water Conservation Office shall regulate all ponds.
2. The applicant shall provide evidence that the Soil and Water Conservation Office has been contacted and that all requirements have been satisfied.

**ARTICLE XXIV
PLANNED INDUSTRIAL DEVELOPMENTS**

24.0 Purpose:

The purpose of the Planned Industrial Development is to accommodate employment uses including administrative and research industries, offices, limited manufacturing, and supportive services. A Planned Industrial Development is intended to satisfy the following objectives:

1. Encourage large-scale campus-style developments, which includes an attractive streetscape and functional pedestrian spaces.
2. Provide employment areas that are compatible with adjacent and surrounding residential uses.
3. Promote an efficient circulation system including the separation of pedestrian from vehicular traffic.

The Planned Industrial Development shall provide for the development of facilities in a unified platted subdivision, which is specifically designed to stimulate growth of industrial uses. The development should also include a limited amount of outdoor storage, which should be screened properly to improve the aesthetics of the area, and lighting shall be shielded and not visible to adjacent neighboring properties.

24.1 Minimum Area:

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

24.2 Commission Findings:

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

1. Integrated Design: That the plan provides for an industrial district consisting of several and harmonious design, together with properly arranged traffic ways, parking and loading facilities and landscaping so arranged as to create an attractive project readily integrated with and having no adverse effect on adjoining or surrounding areas and developments.
2. Thoroughfare Access Required: That the industrial district will abut a street designated in the official "Thoroughfare Plan" as a primary or secondary thoroughfare, or that direct access to such street is provided by means of an acceptable industrial service street.

3. Uses, Design Standards and Improvements: That the proposed uses accord with the uses permitted and that the layout of the proposed industrial district and the proposed improvements conform in all respects with the general design standards and improvement requirements stipulated in this Article.

24.3 Permitted Uses:

Any use permitted and as regulated in the I-1 District except uses prohibited therein; provided that any distance requirements and other standards of said districts may be modified by the Zoning Commission.

24.4 Lot Area:

Minimum 20,000 square feet per lot.

24.5 Building Height Limit:

Thirty-five (35) feet within 200 feet of any R-District.

24.6 Distance of Buildings from Project Boundary:

If adjoining R-District - 100 feet; if adjoining C-1 District - 30 feet.

24.7 Landscaping of Unsurfaced Areas:

All unpaved areas shall be landscaped subject to the Commission approval, and shall satisfy requirements set forth in Article XVI of this zoning resolution.

24.8 Greenbelts:

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

24.9 Outdoor Advertising:

Shall be prohibited, except that each industry may have one suitable identifying sign not to exceed one hundred (100) square feet in area, in accordance with Article XX.

24.10 Illumination:

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

24.11 Final Development Plan:

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

24.12 Recommendations to Township Trustees:

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

24.13 Prohibited Uses:

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

24.14 General Design Standards and Improvement Requirements:

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

1. Rights-of-way, Pavements and Utilities: All Interior Streets shall have a right-of-way width of not less than 80 feet and shall be provided with all-weather concrete

pavement, curb and gutter meeting County specifications. All necessary utilities shall be installed meeting County specifications.

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

24.15 Rezoning:

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

24.16 Adjustments - Authorized by Commission:

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

**ARTICLE XXV
EXCEPTIONS AND MODIFICATIONS**

25.0 Lot of Record:

When a lot which is an official lot of record at the time of adoption of this resolution does not comply with the area, yard, or other requirements of this Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

25.1 Exception to Yard Requirements:

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

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

2. Allowable Projections of Commercial Structures over Sidewalk: Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the C-1 District only, providing that the sidewalk at any point and that all other structures are a minimum of 6 feet 8 inches above the sidewalk at any point.
3. Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting on an alley providing such projection extends not closer than 5 feet to the rear lot line.

25.2 Exception to Height Limits:

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyers, radio and TV towers, masts, and aerials.

**ARTICLE XXVI
ENFORCEMENT AND ADMINISTRATION**

26.0 Enforcement by Zoning Inspector:

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

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

26.1 Filing Plans:

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

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

26.2 Zoning Certificate:

It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate provided he is satisfied that the structure, building or premises and the proposed use thereof, and the proposed

methods of water supply and disposal of sanitary waste conform with all the requirements of this Resolution.

No permit for the excavation and construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform with the provisions of this Resolution.

The Zoning Inspector shall act upon all such applications on which he is authorized to act within the provisions of this resolution within 20 days after the date they are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said 30 days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor.

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

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

Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

Zoning Certificates shall be valid for the period of time of twelve (12) months. Upon expiration, application for a new permit may be made, which shall be valid for the period of time of six (6) months.

26.3 Fees:

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

26.4 Violations and Penalties:

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

26.5 Violations - Remedies:

In case any building is or is supposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in

violation of this Resolution, or any amendment or supplement thereto, the Board of Township Trustees, the Prosecuting Attorney for Knox County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specifically damaged by such violation in addition to other remedies provided by law may institute injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this Article.

26.6 Administration:

1. No occupancy, use or change of use shall take place on any parcel of land or in any building until a certificate of occupancy therefor shall have been issued by the Board of Trustees of Berlin Township or an authorized agent.
2. A certificate of occupancy shall be issued only when it has been determined the building or the proposed use of the building or land complies with all provisions of this Resolution.
3. Administration of this Resolution shall be in accordance with all provisions set forth in this Article.
4. Whenever public necessity, convenience, general welfare, or good zoning practice require, the Board of Trustees may by resolution after report thereon by the Zoning Commission and subject to the procedure provided in Article VI of the Zoning Plan for Berlin Township, Knox County, Ohio, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.
5. Fees paid in conformance with the provisions of this Resolution shall accrue to the General Fund of the Board of Trustees of Berlin Township, to defray expenses of the Administration of this Resolution, and the balance shall be apportioned by the Board of Trustees of Berlin Township to General Fund, Unanticipated Emergencies and Contingencies, contributing to the general welfare of Berlin Township.
 - (a) The fees for filing each application for any change in District Boundaries or reclassification of Districts and to defray the cost of the proceedings described, shall be charged in accordance with the orders and directions of the Board of Township Trustees.
 - (b) The penalty for violation of any provision of this Resolution shall be not more than the maximum allowable amount per the Ohio Revised Code per each calendar day such violation exists.

26.7 Certificate of Occupancy:

1. A Certificate of Occupancy shall be required for any of the following:

- (a) Occupancy and/or use of any building hereafter erected or structurally altered;
 - (b) Any change in use of an existing building;
 - (c) New occupancy and/or use of vacant land;
 - (d) Change in the use of the land to a use of a different classification;
 - (e) Any change of a non-conforming use.
2. Written application for a Certificate of Occupancy shall be made to the Board of Trustees or their authorized agent. Accurate information shall be supplied by the applicant when requested with regard to:
- (a) The size and location of the lot;
 - (b) The size and location of the buildings and structures proposed or existing on the lot;
 - (c) The dimensions of all yards and open spaces;
 - (d) Such other information as may be necessary to provide for the enforcement of these regulations.
3. Every Certificate of Occupancy shall state that the building or that the proposed use of a building or land complies with all the provisions of this Zoning Resolution. When all of these provisions are met, the Certificate of Occupancy shall be issued within ten (10) days of the date of application.
4. The fee for the Certificate of Occupancy shall be charged in accordance with the orders and directions of the Board of Township trustees.

ARTICLE XXVII
BOARD OF ZONING APPEALS

27.0 Appointment - Board of Zoning Appeals:

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

27.1 Procedure:

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

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

27.2 Applications, Appeals, Hearings and Stay of Proceedings:

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

2. Appeals - When and by Whom Taken: An appeal to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board, a Notice of Appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
3. Hearing: The Board shall fix a reasonable time for the hearing of the application or appeal, giving 10 day notice to the parties in interest, give notice of such public hearing by one (1) publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check payable to the Fiscal Officer of the Township or cash payment sufficient in amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing any party may appear in person or by attorney. A party adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Knox County on the ground that the decision was unreasonable or unlawful.
4. Decision of the Board: The Board shall decide all applications and appeals within 30 days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decisions shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the certificate to the applicant or appellant whenever a certificate is authorized by the Board.

A decision of the Board shall not become final until after the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate taking effect of such a decision is necessary for the preservation of property or personal rights and shall so certify on the record.

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

27.3 Powers of the Board of Zoning Appeals:

1. Conditional Uses, Specified Exceptions and Interpretations of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications filed as herein before provided for conditional uses, special exceptions, or for interpretation of the Zoning Map, or for decisions upon other special questions upon which the Board is authorized by this Resolution to

pass. In considering an application for a conditional use, a special exception, or interpretation of the zoning map, the Board shall give undue regard to the nature and condition of authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this resolution for the particular conditional use or special exception - which the Board may deem necessary for the protection of adjacent properties and the public interest.

2. Conditional Uses and Special Exceptions: In addition to permitting the conditional uses and special exceptions herein before specified, the Board shall have the power to permit the following conditional uses and special exceptions:
 - (a) Nonconforming Uses - Substitution: The substitution of a nonconforming use existing at the time of enactment of this Resolution by another nonconforming use, if no structural alterations, except those required by law or resolution, are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.
 - (b) Nonconforming Uses - Extension: The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided further that such extension shall be within a distance of not more than 50 feet of the existing building of premises; and provided, still further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution.
 - (c) Extension of Use or Border District: The extension of a use or building into a more restricted district immediately adjacent thereto, but not more than 25 feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
3. Performance Standards Procedure: The Board shall have the power to authorize, upon application in specific cases, filed as herein before provided, issuance of a Zoning Certificate for uses that are subject to Performance Standards procedure as provided in this Resolution.
4. Temporary Structures and Uses: The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

27.4 Interpretation of Zoning Map:

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

27.5 Administrative Review and Variances:

1. **Administrative Review:** The Board shall have the power to hear and decide appeals filed as herein before provided where it is alleged by the appellant that there is an error in any order, requirements, decision, or grant of refusal made by the Zoning Inspector or other administrative official in the interpretation of the provisions of this Resolution.
2. **Variances:** The Board shall have the power to authorize upon appeal in specific cases filed as herein before provided such variances from the provisions and requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions, pertaining to a specific piece of property, the literal enforcement of the provisions and requirements of this Resolution would cause undue and unnecessary hardship.

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

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

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district;

- (b) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and the same vicinity.
- (c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or of the public interest.

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

27.6 General:

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

27.7 Variances - Literal Enforcement Would Create Undue Hardship:

The Board shall have the power to authorize upon appeal in specific cases, filed as herein before provided, such variances from the terms, provisions or requirements of this Resolution as will not be contrary to the public interest; provided however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions of requirements of this Resolution would result in practical difficulty or undue hardship so that the spirit of the Resolution shall be upheld, public safety and welfare secured and substantial justice done.

27.8 Variance - Conditions Prevailing:

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use of development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship - unnecessary to carry out the spirit and purpose of this Resolution - the Board shall have power to authorize a variance from the terms of this Resolution, so as to relieve such hardship.

In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the

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

27.9 Variance - Findings of the Board:

No such variance of the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zoning district.
2. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
3. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest.
4. Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought is not of so general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. Variances - Board May Reverse Orders, Etc.: In exercising its power, the Board may, in conformity with the provisions of statute and of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Office from whom the appeal is taken.

27.10 Performance Standards - Procedure:

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

1. Application: An application for a Zoning Certificate for the use subject to performance standards shall be submitted in duplicate on a form prescribed by the

Board. The applicant shall, also, submit in duplicate a plan of the proposed construction or development including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the omission of dangerous and objectionable elements as set forth in Article XVII in accordance with rules prescribed by the Board specifying the type of information required by such plans and specifications. The fee for such application shall include cost of the special reports that may be required to process it, as set forth in Paragraph 2 below.

2. Report by Specialists: If, in its opinion, the proposed use may cause emission of dangerous or objectionable elements, the Board may refer the application to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in Article XVIII for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.
3. Review by Board: Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Certificate or require a modification of the proposed plan of construction, or specifications, proposed equipment, or operation. Any Zoning Certificate so authorized and issued shall be conditioned upon, among other things, the following:
 - (a) That the applicant's building and installations when completed, will conform in operation to the applicable performance standards; and
 - (b) That the applicant will pay the fee for services reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installation in operation will meet said applicable performance standards.
4. Continued Enforcement: The Zoning Inspector shall investigate any reported violation of performance standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation, and for such investigation shall employ qualified experts. The services of any qualified expert employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established, otherwise by the Township.

ARTICLE XXVIII
DISTRICT CHANGES AND RESOLUTION ADMENDMENTS

28.0 Initiation of Amendments or Supplements:

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Township Trustees or by the filing of an application therefor by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

28.1 Procedure for Change:

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the applications.

28.2 Names and Addresses of Property Owners:

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current tax roll.

28.3 Public Hearing by Zoning Commission:

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Zoning Commission shall set a date for a public hearing thereon which shall not be less than 20 days, nor more than 40 days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least 15 days before the date of such hearing.

28.4 Written Notice:

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

28.5 Transmittal to Regional Planning Commission:

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

28.6 Action by Regional Planning Commission:

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

28.7 Recommendation by Zoning Commission to Township Trustees:

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

28.8 Public Hearing by Township Trustees:

The Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than 20 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least 15 days before the date of such hearing.

28.9 Written Notice:

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 15 days before such hearing to the addresses of such owners appearing on current tax roll, list or duplicate of the County or the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

28.10 Vote by Township Trustees:

Within 20 days after such public hearing the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the

event the Trustees deny or modify the recommendation of the Zoning Commission the unanimous vote of the Township Trustees shall be required.

28.11 Effective Date of Amendment or Supplement; Referendum:

Such amendment or supplement adopted by the Trustees shall become effective in 30 days after the date of such adoption unless within 30 days after the adoption of the amendment or supplement there is presented to the Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township equal to not less than 8% of the total vote cast for all candidates for in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

28.12 Result of Referendum:

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

28.13 Court of Common Pleas:

Any person adversely affected by an order of the Board of Township Trustees adopting, amending or rescinding a regulation, may appeal to the Court of Common Pleas of Knox County on the ground that said Board failed to comply with the law in adopting, amending, rescinding, publishing or distributing such regulation, or that the regulation as adopted or amended by the said Board is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful.

28.14 Fees:

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

**ARTICLE XXIX
VALIDITY AND REPEAL**

29.0 Validity:

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

29.1 Authentication:

The Fiscal Officer of the Township is hereby ordered and directed to certify to the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication.

29.2 Repeal:

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

REVISION HISTORY

11-12-2003	Article 17.2, concerning Cellular or Wireless Communication Towers, was added.
07-28-2007	Article 5, definition of Mobile Home, was revised.
07-28-2007	Article 5, definition of Nuisance, was added.
07-28-2007	Article 5, definition of Storage Building, was added.
07-28-2007	Article 6.6, correction of frontage for less than 5 acre AG lot, changed to 170.
07-28-2007	Article 8.2, typo fixed in 'sanitary fill'.
07-28-2007	Article 8.2.3 removed; mobile homes are no longer a conditional use in AG.
07-28-2007	Article 8.2.5, 'Commission' replaced with 'Appeals Board'; becomes 8.2.4.
07-28-2007	Article 8.4, "maximum" added for clarification.
07-28-2007	Article 8.6, "from edge of right-of-way" added for clarification.
07-28-2007	Article 8.13.3, replaced with new text for clarification.
07-28-2007	Article 9.2.1, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 11.2, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 12.2, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 14.2, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 15.2, 'Commission' replaced with 'Appeals Board'; clarification made to show that Appeals Board does not submit proposals to Trustees.
07-28-2007	Article 18.0, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 18.1.1, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 18.1.2, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 18.1.3, 'Commission' replaced with 'Appeals Board'; corrections made per time elapse, and to whom appeals are made.
07-28-2007	Article 18.1.4, 'Commission' replaced with 'Appeals Board'
07-28-2007	Article 25.1.1, "remaining" added for clarification.
07-28-2007	Article 26.2, definition of length of validity of zoning certificates added.
07-28-2007	Article 26.7.1.(a) removed.

Appendices

Appendix One - Berlin Township Use Matrix

P = Permitted Use
 C = Conditional Use

Type of Use	AG	R-1	R-2	MHPD	C-1	I-1	LC/OS	KLWD
Accessory Buildings/Use	P	P	P	C	P			
Agricultural Use/Sales	P	P						
Automotive Uses					C			
Building Trade and Equipment					C			
Business Supportive Services						P		
Cemeteries	C	P	P					
Churches		P	P	P				
Cluster Residential Subdivision		P	P					
Commercial Trade/Business Schools						P		
Community Center				P				
Community Organization						P		
Conventional Subdivision		C	C					
Dwelling – Single Family	P	P	P					
Dwelling – Two Family			P					
Dwelling – Multi Family			C					
Financial Institutions (including Banks)					P	P		
Food/Drug/Beverage Store					P			
Golf Course	C							
Heavy Services and Processing Facilities					C			
Home Occupation	C	C	C					
Hotel/Motel					P			
Laboratories						P		

Type of Use	AG	R-1	R-2	MHPD	C-1	I-1	LC/OS	KLWD
Laundry/Cleaning Services						P		
Manufacturing/Assembly						P		
Medical/Dental Clinics					P	P		
Manufactured Homes	P	P	P	P				
Mobile Homes	C							
Nursery Schools and Child Care Facilities			C	P	P	P		
Quarrying/Mining	C							
Open Space							P	
Parks					P		P	
Professional Buildings		C	C		P	P		
Public Buildings/Services	P	P				P		
Retail					P			
Restaurants					P	P		
Service/Recreational Uses					P			
Specialty Shops					P			
Vehicle Drive-in and Heavy Vehicle Services					C			
Other Uses Deemed Similar in Nature	C	C	C	C	C	C	C	C

Appendix Two - Minimum Lot Standards for Berlin Township

AG Single-Family Agricultural District		Min. Lot Size: 2 Acres Min. Lot Width: 170' Min. Front Yard: 50' Min. Side Yard: 20'/40' Min. Rear Yard: 50'
R-1 Single-Family Residential District		Min. Lot Size: 1 Acre Min. Lot Width: 100' Min. Front Yard: 40' Min. Side Yard: 15'/30' Min. Rear Yard: 40'
R-2 Multi-Family Residential District		Min. Lot Size: 14,000 S.f.* Min. Lot Width: 90' Min. Front Yard: 15' Min. Side Yard: 10'/20' Min. Rear Yard: 25'
C1 General Commercial District		Min. Lot Size: N/A Min. Lot Width: N/A Min. Front Yard: 50' Min. Side Yard: 10' Abutting R-District Min. Rear Yard: 40' Abutting R-District Min. Rear Yard: 20' Abutting R-District Min. Rear Yard: 45'

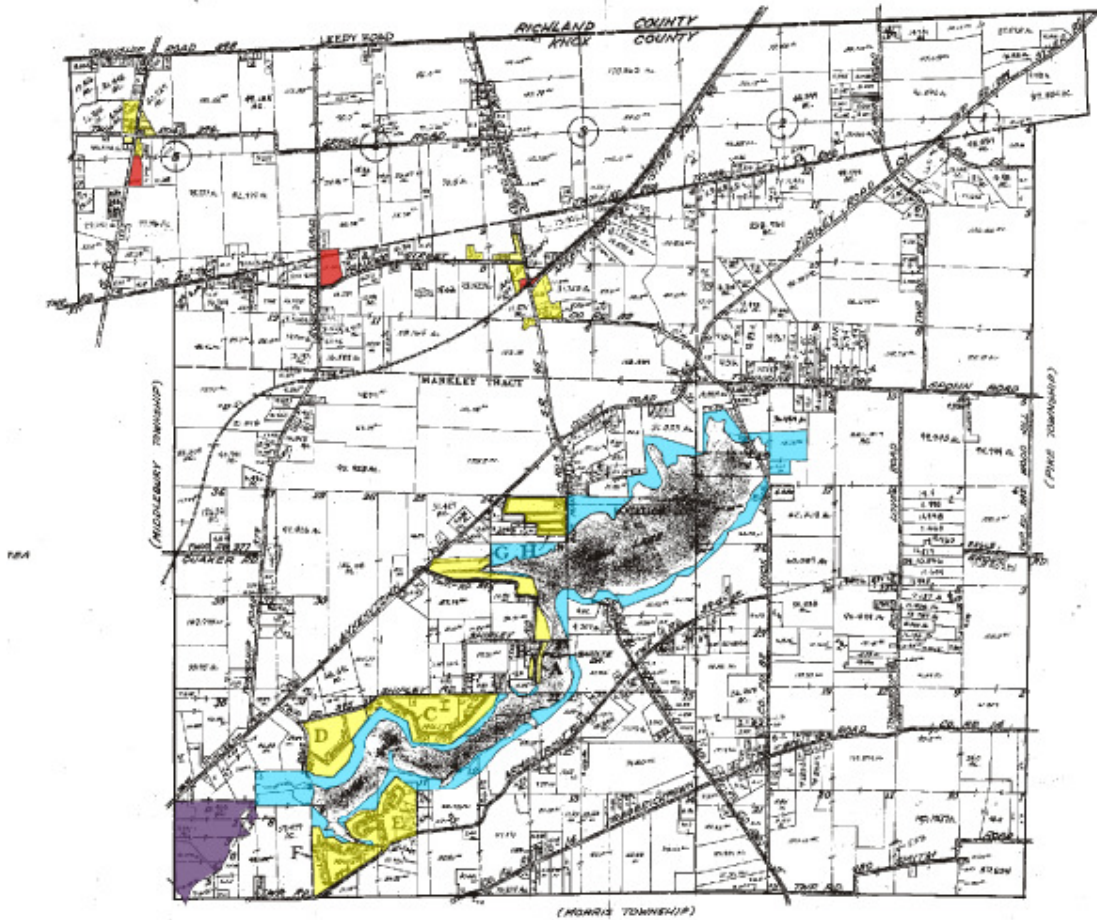
I1 Light Industrial District

	Min. Lot Size: 8,000 S.f.* Min. Lot Width: 60' Min. Front Yard: 50' Min. Side Yard: 10' Abutting R-District Min. Rear Yard: 45' Abutting R-District Min. Rear Yard: 25' Abutting R-District Min. Rear Yard: 50'
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Note: No buildings shall be permitted in the KLWD and LC / OS.

07/18/03

Berlin Township Zoning Map



Legend

- Agricultural District
- R1 - Rural Residential District
- R2 - Multi-Family Residential District
- C1 - General Commercial District
- I1 - Industrial District
- KLWD - Knox Lake Wildlife District
- LC/OS - Land Conservation / Open Space District
- MHPD - Manufactured Home Park District

Below certifies that this is Berlin Township's (Knox County, Ohio) Official Zoning Map, as referred to in Article VI, Item 2, of the Township's Zoning Resolution and attested to the following individuals.

Township Trustee Chairperson _____

Township Trustee _____

Township Trustee _____

Fiscal Officer _____

09/28/01

Poggemeyer Design Group, Inc