

HARRISON TOWNSHIP
(KNOX COUNTY)

ZONING RESOLUTION

Original July 1973

Amended 1984

Amended 1990

Amended 1996

Amended 2002

Amended 2010

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Article 1 - Purpose

1.0 Purpose and Scope Harrison Township (Knox County) is centrally located within the State of Ohio. It is today, and historically has been, a rural community that derives most of its social and economic structure from the agricultural uses of the land within the township. Unlike other locations which have succumbed to the pressures of urbanization, poorly-planned development, the economy, and demographics, Harrison Township is a thriving area within the agricultural region in which it is situated. At the same time, the residents of the Township, by virtue of their agricultural economy, are limited in the amount of non-productive demographic and physical growth that can be accommodated. Substantial increases in population and/or residential buildings threaten to overwhelm the small township budget which must provide services, such as roads and drainage, to all of its residents. The danger posed by an influx of new residential development is very serious, in part, because the nearest fire and rescue services are located roughly 10 miles from the geographic center of Harrison Township. The Township has no reasonable expectations that the limitations of the budget or the availability of services will change substantially in the near future.

Therefore, this Resolution is enacted for the primary purpose of promoting public health, safety, morals, comfort and general welfare of the citizens and inhabitants of Harrison Township, Knox County, Ohio. Other purposes served by the terms of this Resolution include:

- A. The conservation and protection of property and property values;
- B. The appropriate use of land;
- C. The facilitation of adequate and economical provisions for public improvements;
- D. Consideration and implementation as reasonable of the Knox County Comprehensive Plan, Focus 2100 Advanced... (March 1998);
- E. The provision of a method of administration and penalty for violation of the provisions of this Resolution; as authorized by the Ohio Revised Code sections 519.01 through 519.99, inclusive.

Article 2 - Title

2.0 Title This Resolution shall be known and may be cited and referred to as the "Harrison Township, (Knox County), Ohio, Zoning Resolution" or the "Harrison Zoning Resolution."

Article 3 - Interpretation

3.0 Interpretation of Standards In their interpretation and application, the provisions of this Resolution shall be held to be the 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. For the purpose of this Resolution the terms or words used herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and imposes a duty upon the person to whom it is directed. The word "may" is permissive and creates a power, without duty, with the person to whom it is directed. The word "used," shall be deemed to include "designed, intended, or arranged to be used." The definitions of the Harrison Township Zoning Resolution apply to the interpretation and reading of the entire Resolution unless a separate and different definition specifically appears in a section. Where the pronoun "he" is used, the usage is one of convenience and includes all appropriate extensions of meaning (i.e., "she," "they," and "it"). The word "person" includes all individuals, firms, corporations, associations, trusts, and any other similar entities. Otherwise, all words shall be given their common and ordinary meaning as derived from everyday usage. Those called upon to interpret this ordinance shall proceed as follows:

- A. Refer to or determine the public purposes of the standards with respect to which an interpretation is required.
- B. Determine the actual impact of a proposed determination and/or its alternatives.
- C. Determine that the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

Article 4 - Definitions

4.0 Definitions

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, not including fences. See Section 5.13 of this Resolution.

Abutting/adjoining/adjacent-Having a common border with, or being separated from such common border by a street or easement or right-of-way.

Agriculture-Farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruit, vegetable, nursery stock, ornamental shrubs, ornamental trees, flowers, sad, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when

those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Cross reference: O.R.C. §519.01.

Barrier-A boundary that separates or holds apart one area from another, usually with the intent to obstruct or impede passage or movement of humans, vehicles, or animals. A barrier can be achieved with fence, hedge, trees, wall, buildings, or natural terrain.

Basement-A story whose floor line is below grade and whose ceiling is not more than 5 feet above grade.

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

Board-The Board of Zoning Appeals of Harrison Township.

Building-Any structure consisting of foundations, walls, columns, girders, beams, floors or roof, or a combination of any number of these parts, with or without other parts or appurtenances.

BZA-See "Board."

Camping unit-One tent, recreational vehicle, trailer camper, or other structure for temporary sleeping facilities which cannot be occupied, by design, by more than 6 people.

Campgrounds-Any property used for the commercial renting or leasing of space for any number of camping units and which make use of directional or advertising signs and which include the construction of any permanent buildings or structures or camping unit hook-ups.

Commercial Mining-Uses of land for quarrying and/or mining natural resources for the manufacturing of paving materials in conjunction with a quarrying or mining operation.

Commission-The Harrison Township Zoning Commission.

Conditional use-A use of land and/or buildings which is not a principally permitted use (or otherwise permitted as a matter of right) in certain districts, but which may be permitted after BZA review of an application to make such use. That use may be conditioned upon compliance with certain terms of this Resolution. Permission to make a use of land and/or buildings which is listed as a conditional use requires an application for and granting of a permit by the BZA.

Demolish/demolition-The substantial deterioration or complete or substantial removal or destruction of any building or structure within

any district whether by affirmative action taken or by passive action such as neglect.

Development-The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structures or buildings; or the division of a parcel of land into three or more parcels; or any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which a permit or certificate may be required pursuant to this Resolution.

District-A portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply.

Discontinued-To break the continuity of or abandon a use or building; to cease to operate, use, or produce on a parcel.

Due regard-To give in good faith such weight or significance to the decision, evidence, or factors as are merited by the circumstances.

Duty-A mandatory obligation to perform; obligatory conduct or service, not discretionary.

Dwelling-Any building or portion thereof which is designed or used for residential purposes by humans.

Dwelling unit-A room or group of rooms or a dwelling, providing or intended to provide living quarters for not more than one (1) family.
Educational institution buildings-Any building or structure which is used wholly for academic or educational purposes or by an organization founded for educational purposes.

Educational institution buildings - Any building or structure which is used wholly for academic or educational purposes or by an organization founded for educational purposes.

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

Extraordinary-Going beyond what is usual, regular, or customary; beyond or out of the common order or rule; exceptional to a very marked extent; remarkable, uncommon, or rare.

Family-Any number of related persons, or no more than 4 unrelated persons, living and cooking together on one premises as a single housekeeping unit.

Fence-A series of posts joined by connecting materials, or a living fence of natural growth or placement of foliage, which is used to mark a boundary or to enclose an area or to prevent intrusion by others; for purposes of this Resolution, a fence is not an accessory structure.

Finding of fact-Findings of fact should consist of a simple declaration of the ultimate facts in the case at hand; simply setting forth the evidence that was presented at a hearing will not suffice. For example, where there is conflict in testimony, a statement of what the board/commission determines to be the actual fact, based on the credibility, weight, and/or significance of the evidence presented, should be made. Information which is not critical to the ultimate decision by the board/commission need not be included in findings of fact. Only those pieces of information on which the decision is based must be set forth in the findings. The listing of the findings should lead or point logically to the conclusion which is reached. Determination of what findings are to be made will require discussion among the members of the board/commission. The findings should always be made in writing.

Flood plain-The flood that is equaled or exceeded once in 100 years on the average. The official map of the 100 Year Flood Plane is maintained at the Regional Planning Office in Mt. Vernon.

For cause-For reasons which law and public policy recognize as sufficient to warrant the action or removal; does not mean removal or action by arbitrary or capricious means but that there must be some cause affecting and concerning ability and fitness of an official to perform the duty imposed on him.

Frontage-All of the property abutting on one side of a street, between intersecting streets, or between a street and a right-of-way, water way, adjoining property line, or township boundary measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Garage-A detached accessory building or a portion of the principal building used only for the storage of passenger vehicles or trailers by the family/families resident upon the premises.

Glare-The brightness of a light source which causes eye discomfort

Good faith-An intangible and abstract quality which encompasses, among other things, an honest belief, the absence of malice, and the absence of design to defraud or to seek unconscionable advantage over another.

Height of building-The vertical distance from the established average sidewalk grade, street grade, or finished grade, whichever is the lowest, to the highest point of the building.

Home occupation-Any business use, not employing more than one full-time equivalent person outside of the immediate-family relatives of the owner, conducted entirely within a dwelling or an accessory building by the owners or occupants of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes.

Incidental-Ensuing as a chance or minor consequence or occurring by chance or without intention or calculation; something necessary, pertaining to, or depending another which is termed the principal.

Junk-Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further rezoning, can be used for its original purpose as readily as when new, shall not be considered junk. Also, old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but not including scrap (unwanted or discarded) tires. Cross-reference: O.R.C. §§4737.05(A) and 3734.01(Z).

Junk motor vehicle-Any motor vehicle which meets all of the following:

- A. Is left on private property (with or without permission of the landowner), a public street, a right-of-way, a parking lot or other property open to the public for travel for 48 hours or longer;
- B. Is 3 or more years old;
- C. Is extensively damaged (including but not limited to missing wheels, tires, motors, body parts);
- D. Is apparently inoperable; and
- E. Has a fair market value of \$1500 or less.

Cross-reference: Q.R.C. §4513.63

Junk yard-An establishment, use, or place of business that is maintained or operated for the purpose of keeping, storing, buying or selling junk, specifically with the intention of functioning as a commercial venture. Cross-reference: O. R.C. §4737.05(B).

Lot/parcel-A piece, parcel, or plot of land as shown and recorded in the land records of the Knox County Recorder which is occupied or may be occupied by one principal building and its accessory buildings including the open spaces required under this Resolution.

Manufactured home-A building unit or assembly of closed construction for human habitation that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards

and is designed to be transported to another site for fixture. Cross-reference: O.R.C. §3781.06(C) (4).

Mineral-Any chemical compound occurring naturally as a product of inorganic processes.

Mobile home-A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home. Cross reference: O.R.C. §4501.01 (0).

Necessary-Absolutely needed or required; a condition or event determined or produced by the previous condition of things; so indispensable that it is virtually compulsory.

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

Nuisance-Any condition or use of premises, buildings, or any substance or materials which is or may become noxious, offensive, injurious, or dangerous to the public health or safety; or, that activity which arises from unreasonable, unwarranted, or unlawful use by a person of his own property, which occasions obstruction or injury to a right of another or to the public.

Outdoor advertising-A business use which shall be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. Cross Reference: O.R.C. §519.20.

Permanent-Continuing or enduring in the same state, status, place, or such without fundamental or marked change; fixed or intended to be affixed; not temporary.

Permanently sited manufactured home-A manufactured home that meets all of the following:

- A. It is affixed to a permanent foundation and is connected to appropriate facilities;
- B. It has, excluding any additions, a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches or attachments, of at least 900 square feet;
- C. It has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering;
- D. It was manufactured after January 1, 1995;
- E. It is not located in a manufactured home park as defined and licensed by O.R.C. Chapter 3733.01 et seq. Cross-reference: O.R.C. §3781.06(C) (6).

Person-Any individual, firm, organization, corporation, partnership, association, legal representatives, trustees, or receivers.

Power-The right, ability, or authority of doing the particular thing; distinguished from a duty which requires the performance, power includes the freedom to choose a particular course of action.

Recreational uses-Any use of land involving passive (not requiring development of or on land) rest and relaxation activities, such as fishing, boating, picnicking, or hunting.

Religious institutional buildings-Any building, structure, or use by a religious organization (entitled to federal or state tax-exempt status as such), and which building, structure, or use is directly related to the fulfillment of the organization's religious purposes or observances.

Set-back line-A line established by the Resolution, generally parallel with and measured from the front lot line, or where there is no front lot line, from the right-of-way line (as predetermined and designated by Knox County or the State of Ohio), whichever is parallel to the center of any existing road, and which defines the limits of a yard in which no building or structure may be located above ground, except as may be provided by law or this Resolution. See illustration of relevant terms, Appendix.

Sign-Any object, device, display, structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, fixtures, colors, illumination, or projected images, except as may be modified by O.R.C. §519.20. Signs do not include the flag or banner of any nation, state, city, or religious organization; also excluded are merchandise, pictures, or models of products or services incorporated in a window display.

Sign, area-The total exterior surface area of a sign, computed in square feet when it has only one exposed exterior surface; or, when it has two exposed exterior surfaces, then each side may not exceed the maximum permitted by this Resolution.

Sign, temporary-A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs and intended to be displayed for a short period of time (30 consecutive days or less) and which is no larger than 24 square feet. Included in this category are retailer's signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

Story-That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street-Any public way dedicated to public travel, and accepted as such by the Township Trustees, or other governmental entity, the right-of-way of which is at least 50 feet in width at all points along the way; including roads, highways, and thoroughfares.

Structure-Anything constructed in any manner, whether temporary or permanent, which is located on land in any fashion, including buildings, sculptures, signs, or similar objects.

Structural alteration-Any change in the structural members of a building such as walls, columns, beams, or girders, whether by demolition or construction.

Telecommunications tower-Any free-standing structure, or any structure to be attached to a building or other structure that is constructed after October 31, 1996; will be owned or principally used by a public utility that provides telecommunications services; will be located in any area of the township which permits residential uses by the terms of this Resolution; will exceed the maximum allowable height of residential structures or other structures in the district; and which will have attached to it radio frequency transmission or reception equipment. Cross reference: O.R.C. §519.211(B)(1)

Temporary-Lasting of a duration of more than 30 days but less than 6 months. In relation to signs, "temporary" means less than 30 days.

Township Zoning Commission- See, "Commission."

Unnecessary hardship-A detriment to the applicant or landowner that means he cannot make use of the property for any of the purposes or uses for which it is zoned without variance from the regulations of the resolution. This detriment must not be of the landowner's making or creation and must not have been entered into willfully, but must be a function of the characteristics of the land. If a use for which the property is zoned is possible without variance, no hardship exists.

Use-The primary purpose or activity for which a building, structure, or land is occupied or maintained.

Variance-A relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. As used in this

Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Cross-reference: O.R.C. §519.14(B).

Yard-A required open space which is unoccupied and unobstructed by any structure or portion of a structure taller than 3 feet above the general ground level of the graded lot; provided, however, that ornaments, fences, and furniture may be permitted in any yard subject to height limitations and requirements related to the obstruction of visibility.

Yard, front-A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, rear-A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, side-A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate-A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector-The Zoning Inspector of Harrison Township or his authorized representatives.

Zoning map-The official zoning map or maps of the Township, as created by this Resolution, together with all amendments subsequently adopted.

Article 5 -Districts and General Provisions

5.0 Districts.

The township is hereby divided into Districts known as:

Conservation district
Agricultural district

5.1 Zoning Map

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

5.2 District Boundaries

The district boundary lines on said Map are intended to follow either the center of the street right-of-way, alley, or lot lines; and, where the districts designated on the map are bounded approximately by such

street, alley or lot lines, the street or alley or lot lines shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the Map. In the case of subdivided property, the district boundary lines shall be determined by the use of the scale of the map appearing thereon, or by dimensions.

5.3 Compliance with Regulations

No building shall be erected, used, 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, used, enlarged, or altered except in conformity with the requirements of this Resolution for the district in which such building is located. For purposes of this section, any physical step in the process of construction, demolition, alteration, or conversion constitutes the necessary act for determining if a violation of this Resolution has occurred. Cross-reference: O.R.C. §519.17

5.4 Street Frontage Required

Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or in part for residential purposes unless such lot conforms with the following street frontage requirements:

For lots recorded prior to November 22, 1996: 150 continuous feet

For lots recorded after November 22, 1996: 275 continuous feet

5.5 Traffic Visibility Approaching Corner Lots

On any corner lot in any district, no fence, structure, or planting shall be erected or maintained within 60 feet of the corner (the point of intersection of the right-of-way lines), or which interferes with traffic visibility across the corner.

5.6 Off-street Parking and Loading

In any district, spaces for off-street parking and off-street loading shall be provided in accordance with the provisions of Article 9.

5.7 Essential Services

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

5.8 Unsafe buildings

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

5.9 Vacated street or alley

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

5.10 Campgrounds

Campgrounds are not permitted in the township. However, camping is permitted on occupied property owned, leased, or rented by a resident of the township under the following terms:

A. In Conservation Districts, camping activities must be operated on a not-for-profit, non-contractual, and non-lease basis; with not more than 5 camping units at anyone time; with no permanent structures created, used, or occupied by the camping residents; and for not more than 90 days per calendar year. These regulations are separate from any compliance with the regulations set out in O.R.C. §§3733.02 and 3733.021 et. seq.

B. In Agricultural Districts, camping activities must be operated on a not-for-profit, non-contractual, and non-lease basis; with no permanent structures created, used, or occupied by the camping residents; and for not more than 21 days per calendar year. Camping activities in Agricultural Districts are not restricted in the number of camping units at anyone time.

5.11 Storage of refuse prohibited

No person, firm, or corporation, owning, leasing, occupying or having charge of any lot or premises shall maintain or keep or permit the improper storage or disposal of garbage, rubbish, or refuse. This includes, but is not limited to, the keeping or disposition on, or the scattering over the premises of any of the following: junk, debris, garbage, wastes, trash, rubbish, bottles, wire, oil, paper, cardboard, abandoned, discarded, or unused appliances, refrigerators, freezers, junk motor vehicles, or any parts thereof; cartons, boxes, furniture, glass, cans, containers, rags, wood, rubber, leather, metals, mineral matter, plastics, crockery, and combustible or non-combustible waste materials. Junkyards are not permitted in the township except as may be permitted by state statute.

5.12 Accessory Structures

Accessory structures, including yard barns and detached garages, shall be located at least 15 feet from any dwelling situated on the same lot unless integrated as part thereof. Also, accessory structures, including gardens and satellite dishes, shall be located at least 15 feet from any lot lines of adjoining lots.

5.13 Temporary Structures

Temporary structures or uses are permitted in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution, provided that the use be of a temporary nature and involves the erection of a structure that can be entirely removed at the conclusion of the event or use. "Temporary" means more than 30 days but less than 6 months. The Zoning Inspector may grant, upon application, a Zoning Certificate for such use in the form of a terminable permit for not more than a 12-month period (or one six-month period, renewable one time only for not more than 6 months). Construction trailers and temporary dwellings used during the time of construction of a permanent dwelling are exempted from these requirements, provided that these kinds of structures are vacated and removed within an 18-month time period.

5.14 Performance Standards

No land or building in any district, except for agricultural uses, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition.

A. Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such equipment and devices shall be sufficient to control and combat any resulting fire or explosion without the additional assistance from governmental firefighting departments.

B. Radioactivity or Electrical Disturbances: No activity shall emit radioactivity at any point or cause electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. Noise: Noise which is objectionable as determined by the BZA due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

D. Vibration: No vibrations shall be permitted which is discernible on any adjoining lot or property.

E. Smoke: Smoke shall be controlled so that it does not disrupt the quiet use and enjoyment of neighboring properties or properties in the vicinity.

F. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

G. Air Pollution: Creation of flyash, dust, vapor, or other substance of pollution shall not disrupt the quiet use and enjoyment of neighboring properties or properties in the vicinity.

H. Light and Glare: No direct light or glare shall be permitted which is visible from any adjoining property or from any public street, road, or highway.

I. Erosion: No erosion, by either wind or water, shall be permitted which will carry substances of any nature onto neighboring properties.

J. Biological Hazards: No activity shall be permitted which would result in contamination from any biological hazard that could be harmful to humans or animals.

5.15 Compliance with Performance Standards

All uses existing on the effective date of this amended Resolution shall conform to these performance requirements within two (2) years. The Zoning inspector shall have the power to issue stop-work orders for any uses under construction or operation, even if already in possession of a zoning certificate, which, in his opinion, may cause emission of dangerous or objectionable elements; he may refer the matter to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable performance standards for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such matter for review. A copy of such report shall be promptly furnished to the owner/operator. The Zoning Inspector shall refer the report to the BZA who shall, within 30 days after receipt, decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize the continuation of the Zoning Certificate. A zoning certificate so authorized and continued or issued shall be conditioned upon the following:

- A. That the applicant's buildings and installations when completed will conform to operation to the applicable performance standards, and
- B. That the applicant will pay the fees for the services of the expert consultant or consultants deemed reasonable and necessary by the BZA to advise it as to whether or not the applicant's completed buildings will meet said performance standards.

5.16 Scrap tire facilities.

All scrap tire facilities, whether monocell or monofill, recovery, or storage, shall comply with the following requirements:

- A. The owner/operator of any proposed facility shall apply for a zoning certificate which shall be treated as an application for a conditional use permit.
- B. In addition to any other conditions imposed by the BZA, the facility shall:

- 1) fence the entire perimeter of the parcel, 20 feet from the property line, with 10 foot high security fencing and provide security cameras covering the entire facility;
- 2) landscape the exterior of the perimeter fencing with a combination of evergreen and deciduous bushes, shrubs, and trees;
- 3) be located not less than 2,500 feet from any residential dwelling;
- 4) submit a bond in the amount of \$10,000 for every 1000 vehicle trips to and from the facility occurring in the first year of operation (or a minimum of \$10,000), which shall be held by the Township Clerk for the purpose of repairing damage caused by such traffic to township roads; and
- 5) control mosquitoes so that they are neither a biological hazard nor a nuisance to people or animals.

C. Prior to starting operation, owners of the proposed facility must present a surface and ground water prevention plan and have said plan approved by the Knox County Engineer. Prior to starting operation, owners of the proposed facility must present a biological hazard plan, with emphasis on mosquito control, and have said plan approved by the Knox County Health Department Director.

D. Zoning certificates issued for scrap tire facilities may be subject to revocation for violation of any of the above conditions or for any of the conditions of the original permit. Besides any violations brought to the Zoning Inspector's or the BZA's attention, the Zoning Inspector shall review the operation every 5 years after approval of a permit and shall notify the BZA of any violations of these terms.

E. The terms of this section shall apply to any scrap tire facilities which apply for a state permit to begin operations 2 years after the effective date of this Resolution. Cross reference: O.R.C. §734.80(B)(1).

5.17 Storage of junk motor vehicles prohibited.

Storage of junk motor vehicles is not a permitted use of any property in any district in Harrison Township. This prohibition applies whether the vehicle is stored on property with or without the permission of the landowner. The Zoning Inspector may issue a citation for violation of this Resolution in addition to any penalties provided by Ohio Revised Code Sections 4513.63, 4513.64, and 4513.65. This prohibition does not apply to any compliant "collector's vehicle" as defined by state statute so long as such vehicle is contained or screened from view of adjacent properties and public roads. Cross-reference: O.R.C. §§4513.63, 4513.64, and 4513.65.

Article 6 - Nonconforming Uses or Buildings

6.0 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 to the provisions of this Resolution for the district in which it is located.

6.1 Nonconforming Uses or Buildings -Enlargement. Expansion, Etc.

No existing building or premises devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, reconstructed, substituted, or structurally altered unless approved by the BZA, based on the following process and analysis:

A. Any enlargement, extension, reconstruction, substitution, or structural alteration must be submitted by application to the Zoning Commission for review and comment.

B. The Zoning Commission shall submit its comments to the Board of Zoning Appeals which shall determine whether to permit the proposed changes, whether to permit the proposed changes as modified, or whether to deny the permission for the proposed changes. The BZA shall follow the procedures and criteria contained in Section 16.2.E of this Resolution.

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

6.2 Discontinuance of a Nonconforming Use

No building, 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. Cross-reference: O.R.C. §519.19

6.3 Destruction of a Nonconforming Use or Building and Repair Thereof

Repairs and maintenance work as required to keep a nonconforming building or use in sound condition or to restore damage, regardless of the cause (fire, natural disaster, etc.) may be made to a nonconforming use provided that:

A. The total structural repairs and alterations shall not, during its life subsequent to the passage of this Resolution, exceed the original square footage of the destroyed building, and

B. The reconstruction is begun within two (2) years of the occurrence resulting in the destruction.

These conditions do not apply if such building or use is permanently brought into conformance with this Resolution.

6.4 Exemption of Essential Services

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

Article 7 - Conservation District

7.0 Conservation District--Purposes

The purpose for creating a Conservation District in Harrison Township is to protect the public health and general welfare of the township residents by creating a special use district which aims to protect the natural resources in the district and the public's enjoyment thereof. Because of the existing bike path, the use of the path by children and families and other users, the safety of the area must be protected by minimizing motorized vehicle traffic, congestion, industry, intense residential development, and other conflicting uses with the recreational uses permitted on and around the bike path. Agricultural uses in this district are particularly compatible and important to maintaining the recreational quality and appearance of the district. Access to and the views from the Kokosing River are also important characteristics that this district seeks to safeguard. Furthermore, because the majority of this district lies in an identified flood plain, this district is created for the purpose of reducing the financial burdens imposed on the community, its governmental units, and its residents which may result from improper use of lands that are subject to frequent and periodic flooding or river overflow.

7.1 Uses Permitted in the Conservation District

- A. Agricultural uses and their accessory buildings.
- B. Recreational uses such as fishing and boating.
- C. Reclamation of lands subject to flooding provided that no filling, draining, construction of levees or other improvements intended to reduce the danger of flooding or erosion shall be authorized by the BZA unless it finds that such reclamation work is in concert with the objectives of this Resolution and that any such work is done in accordance with plans approved by the County Soil and Water Conservation District.
- D. Single family residential dwellings, provided said dwellings are constructed outside of the flood plain, to be verified by the zoning inspector.

7.2 Conditional Uses in the Conservation District

- A. Commercial mining, in accordance with the provisions of Article 12.

7.3 Prohibited Uses in the Conservation District

All uses not listed above as permitted or conditional uses are prohibited in the Conservation District.

7.4 Required Conditions for All Construction in the District

Buildings or structures authorized in the conservation district shall not obstruct natural drainage courses and floodways or be located in the flood plain as shown on the zoning map. Equipment, materials and wastes stored in areas subject to flooding shall be secured against floating away in the event of flooding and shall not become a source of water pollution or contamination. Persons storing materials or substances in the Conservation District which are also in the identified flood plain shall supply sufficient clean-up resources (labor, materials, or protected devices) to contain or clean up loss, spillage, or dispersion of those materials or substances in the event of natural or man-made damage to the storage facilities. Whenever application is made to the BZA for a conditional use permit, it shall request a report and recommendations thereon from the chief engineer of any conservation district.

7.5 Required Lot Area, Lot Width, and Yards in the Conservation District

No structure shall be located in the yards required by the following table:

Minimum lot area:	2 acres
Minimum lot width:	275 continuous feet of road frontage at the setback line
Front yard/setback:	90 feet from the center of the frontage street
Side yard:	60 feet from the side property lines
Rear yard:	60 feet from the rear property line

Lots of 10 acres or less will have a maximum depth at any point along its road frontage of 3 (three) times the main road frontage.

7.6 Height Regulations in the Conservation District

No structure shall exceed 2 ½ stories or 35 feet in height, whichever is greater, with the exceptions noted in Article 13.2.

7.7 Riverfront Bufferyard Required by All Mining Uses

Any parcel which is used for the extraction of mineral resources shall not permit such uses to occur within 50 feet of the usual and customary edge of the Kokosing River.

Article 8 - Agricultural District

8.0 Purposes

The purpose of the Agricultural District is to provide an area for agricultural pursuits protected from the infringement of unguided urban

development and to conserve areas physically unsuitable for intensive development.

8.1 Uses Permitted in the Agricultural District

A. Agricultural uses.

B. Single-family residential dwellings.

C. Secondary dwelling units, provided that all secondary dwelling units (SDU) shall meet the following requirements to be maintained as a permitted accessory use to any primary residential structure:

- 1) There shall be a maximum of one SOU on any single lot.
- 2) The gross minimum area of an SOU shall be 450 square feet.
- 3) The gross above-ground floor area of a separate or detached SOU shall not exceed 900 square feet unless, upon the recommendation of the BZA, a larger amount would permit the use of existing buildings to be converted into an SOU.
- 4) Off-street parking and yard area shall be provided and screened according to the requirements of the Zoning Resolution.
- 5) SDU are not intended to be used as commercial rental units.

D. Home occupations that are supportive of farming activity within Harrison Township are encouraged, provided that they meet all of the following requirements:

- 1) The occupation must be clearly incidental to the use of the dwelling as a residence.
- 2) A maximum of three (3) full-time equivalent person, other than members of the immediate family residing in the dwelling, may be employed in the home occupation.
- 3) Off-street parking shall be provided on the premises, or as other sections of this Resolution specify.
- 4) A home occupation use shall not generate nuisances such as traffic, on street parking to excess, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential uses.
- 5) One (1) sign is permitted (see Article 10).

If a home occupation use does not meet all of these criteria completely, then the owner/occupant must apply to the BZA for a conditional use permit. Operation of a home occupation requiring a conditional use

permit without making application for such constitutes a violation of this Resolution.

E. Utility and service system building and lands, excluding any cellular communications equipment as may be authorized for exclusion under the state statutes, and public buildings.

8.2 Conditional Uses in the Agricultural District

A. Mobile homes, on the conditions that:

- 1) A mobile home shall not be less than 20 continuous feet in width or depth, whichever is the smaller dimension.
- 2) All wheels shall be removed.
- 3) Tongue shall be removed if it is a removable or bolt type tongue.
- 4) Skirting shall be required. Skirting shall be of a non-flammable material.
- 5) A mobile home must be placed on a foundation of concrete block and mortar, or poured basement walls, on a four-inch thick concrete slab with footers under the entire perimeter of the mobile home.
- 6) Tie-downs are required as per State of Ohio standards.
- 7) The above regulations must be met as stipulated in the conditional use permit and signed and agreed to by the applicant before the dwelling is occupied.
- 8) An existing mobile home may be replaced by another mobile home or a permanently sited manufactured home at the same location, provided that the mobile home owners re-apply for a conditional use permit and meet all of the requirements of the Zoning Resolution.

B. Permanently Sited Manufactured Homes, provided that they comply with all zoning requirements contained in this Resolution which apply to single family (agricultural or non-agricultural) dwellings. Cross-reference: O.R.C. §519.212.

C. Religious and Educational institutional buildings.

D. Home occupations not meeting the terms of 8.1.0.

8.3 Prohibited Uses in the Agricultural District

A. All uses not listed above as permitted or conditional uses are prohibited in the Agricultural District, except as they may be expressly permitted by state statute.

B. No lot or parcel shall be used as a farm market unless a minimum of 50% of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Income derived from non-agricultural sales shall not be included in determining compliance with this section. Cross-reference: O.R.C. §51 9.21 (C)

C. No person maintaining a residential use on any lot of 1 acre or less in the Agricultural District shall engage in agricultural uses as defined by this Resolution except for organic gardening of vegetables which are to be consumed by the resident of that lot and will not be sold in any manner to third persons. This regulation only applies if the lot was part of a platted subdivision or is part of an area of 15 or more such contiguous lots. Cross reference: O.R.C. §519.21 (B) (1).

8.4 Required Lot Area and Lot Width in the Agricultural District.

Each dwelling unit shall be located on a lot having not less than two (2) acres and a lot width of not less than 275 continuous feet of street frontage and not less than 275 continuous feet of width at the setback line of 90 feet as measured from the center of the road. Lots created prior to November 22, 1996 are permitted to have not less than 1 acre and a lot width of not less than 150 continuous feet of street frontage and not less than 150 continuous feet of width at the setback line of 90 feet. Lots of 10 acres or less will have a maximum depth at any point along its road frontage of 3 (three) times the main road frontage. This regulation applies to buildings or structures which are incident to agricultural uses if they are located on a lot between 1 and 5 acres in size which was part of a platted subdivision or which is part of an area of 15 or more contiguous lots. Cross reference: O.R.C. §519.21 (B) (2).

8.5 Back-lot residential parcels in the Agricultural District

Back-lot residential parcels may be created in the Agriculture District in accordance with the requirements of this section. These provisions are intended to allow a single-family residential home site parcel to be created off road leaving road frontage areas.

1. A back-lot parcel shall be accessed by a strip of land, referred to as the "flag staff", a minimum of sixty (60) feet wide that has frontage on a public or private street.
2. The minimum area of a back-lot parcel shall be two (2) acres, can be irregular in shape and shall be measured exclusive of the flag staff portion of the parcel.

3. A maximum of one (1) back-lot residential parcel may be created from an original parcel as determined by the Knox County Regional Planning Commission.
4. The remainder of the parent parcel must remain conforming to the current zoning resolution and road frontage.
5. The home or building site must comply with existing setbacks:
 - 90 feet front
 - 60 feet side
 - 60 feet rear
6. This lot is not subject to Section 7.5 and the maximum depth of 3 (three) times the main road frontage will no apply.

8.6 Height Regulation in the Agricultural District

No structure shall exceed 2 ½ stories or 35 feet in height, whichever is greater, with the exceptions noted in Article 13.2. This regulation applies to buildings or structures which are incident to agricultural uses if they are located on a lot between 1 and 5 acres in size which was a part of a platted subdivision or which is part of an area of 15 or more contiguous lots. Cross reference : O.R.C. 519.21 (8) (2).

8.7 Required Yards in the Agricultural District

All dwellings shall have the following minimum yard spaces:

Front yard/setback:	90 feet from the center of the frontage street
Side yard:	60 feet from the side property lines
Rear yard:	60 feet from the rear property line

All wells must be contained within the required setback lines of this section. This regulation applies to buildings or structures which are incident to agricultural uses if they are located on a lot between 1 and 5 acres in size which was part of a platted subdivision or which is part of an area of 15 or more contiguous lots. Cross reference: O.R.C. §519.21 (B) (2).

8.8 Required Floor Area in the Agricultural District

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

With a full basement:	1000 square feet
With partial or no basement:	1200 square feet

Areas devoted to garage space shall not be included for purposes of determining the required minimum floor area. Dwelling units shall not be less than 20 continuous feet in width or depth, whichever is the smaller dimension.

8.9 Off-street Parking Requirements in the Agricultural District.

There shall be provided in the Agricultural District off-street parking in accordance with Article 9.

8.10 Regulation of Certain Agricultural Structures.

In any platted subdivision or area consisting of 15 or more contiguous lots (or contiguous by being adjacent to each other across a public road), including lots created by subdivision without actual construction of a subdivision of homes, the following regulations shall apply:

A. Agricultural uses on lots of one (1) acre or less will be permitted so long as the uses do not involve the raising, breeding, or husbandry of animals or livestock which weigh at maturity in excess of 100 pounds; such usage shall also be limited to not more than 25 animals at any time. Use of such lots for the raising, breeding, or husbandry of animals or livestock which weigh at maturity in excess of 100 pounds shall be limited to 1 such animal at any time. At no time shall lots of less than one (1) acre be used for

- 1) The slaughter or processing of any animal,
- 2) Timbering, sad removal, or other mineral recovery,
- 3) Production of mushrooms, or
- 4) Apiculture (bee-keeping) in excess of four hives.

B. For all lots of at least one (1) acre and not more than 5 acres, all buildings, including those used for agricultural purposes or farm markets, shall conform to the required height, size, and yard requirements of this chapter. Cross-reference: O.R.C. §519.21

C. Except as provided in this Resolution and as may be provided by statute, no power is conferred on the BZA or the Township Trustees to prohibit the use of any land for agricultural purposes or the construction or use of any buildings or structures incident to the use of the land on which such buildings or structures are located, and no zoning certificate shall be required for such building or structure.

Article 9 - Off-street Parking and Loading Regulations

9.0 Off-Street Parking

In any district, every building or part thereof which is to be occupied by any use allowing the parking of motor vehicles by persons visiting, patronizing, or otherwise making use of the building shall maintain sufficient off-street parking spaces to keep such vehicles from occupying township roads and rights-of-way.

9.1 Off-street Loading

In any district, every building or part thereof which is to be occupied by any use requiring the receipt or distribution by vehicles of material

or merchandise, shall maintain sufficient off-street loading space to keep such vehicles from occupying township roads and rights-of-way.

Article 10 - Sign Regulations

10.0 Commercial, Institutional, and Real Estate Signs

A. All signs advertising goods or services provided on the premises or advertising the availability of property along any road, including state or county roads, shall be set back from the right-of-way line (existing or as established) at least five (5) feet, or twenty (20) feet if at the corner of two roads. Such signs shall not be lighted in any way nor shall they exceed 24 square feet in size; nor shall any sign be designed to provide more than 2 surfaces for display, e.g. no round or multi-sided signs are permitted.

B. When a business or other operation which has maintained a sign has permanently closed or vacated the premises, the signs relating to that use or business shall be removed by the land owner within sixty (60) days of the termination of the use or business.

C. All signs shall be maintained in a sightly and safe condition, meaning that:

- 1) The sign will not exhibit peeling paint, paper, or other materials in a state of deterioration;
- 2) The sign will be secured to its post or other mounting and is not loose or at risk of falling from its intended position;
- 3) The area around the sign is maintained: trash or litter removed and weeds/brush trimmed back regularly.

10.1 Sign Safety; Traffic Obstruction

No sign shall be so placed as to obstruct or interfere with a required building access or egress or any other required means of ingress or egress of traffic or of traffic visibility.

10.2 Signs on Residential Property

No commercial signs are permitted on any property used primarily for residential purposes, except that one (1) sign for home occupations or professional activities (when permitted) shall not exceed 8 square feet and shall conform with all other provisions of this Article, including the provisions of section 10.0.

10.3 Temporary Signs

The Zoning Inspector may authorize the installation of temporary signs (as defined by this Resolution) in accordance with the requirements of this Article. Signs announcing the names of contractors and materials

suppliers 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.

10.4 Sign Permit Application Required

Any person desiring to construct a sign governed by sections 10.0 through 10.3 shall first apply for a sign permit from the Zoning Inspector.

10.5 Outdoor Advertising

Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. Cross reference: G.R.C. §519.20

Article 11 - Telecommunications Towers and Antenna

11.0 Telecommunications Towers and Similar Equipment--Purpose.

The regulations in this article embody the requirements of the statutes of the State of Ohio for telecommunications towers in unincorporated township territory. The purpose of the following regulations is to establish general guidelines for the siting of towers and antennas. These regulations serve the following goals:

- A. To encourage the location of towers in non-residential/non-historical areas and to minimize the total number of towers in the Township;
- B. To enhance the ability of telecommunications service providers to deliver such services to the community quickly, effectively, and efficiently;
- C. To promote the maximum efficiency of such constructions, encouraging shared towers or leased space for other communications equipment at all times when it is financially and practically feasible;
- D. To encourage users of towers and antennas to locate them in areas where adverse impacts on the township citizens are minimized and to encourage the configuration of towers and antennas in a way which minimizes the visual impact they create.

11.1 Definition--Telecommunications tower--any free-standing structure, or any structure to be attached to a building or other structure that is constructed after October 31, 1996; will be owned or principally used by a public utility that provides telecommunications services; will be located in any area of the township which permits residential uses by the terms of this Resolution; will exceed the maximum allowable height of residential structures or other structures in the district; and which will have attached to it radio frequency transmission or reception equipment. Cross reference: O.R.C. §519.211(B)(1).

11.2 Required Notice

Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide notice by certified mail to the following persons:

- A. To all owners of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property where the tower is proposed to be constructed.
- B. To the Harrison Township Board of Trustees.
- C. To any owner and any occupant of residential dwellings within 100 feet of the proposed tower location.

Said written notice shall include a statement in clear and concise language of the person's intent to construct a tower, a description of the subject property sufficient to identify the proposed location, and that, within 15 days of the date of mailing the notice, any property owner may make a written request to the Board of Trustees that the terms of the Zoning Resolution, as authorized by Ohio Revised Code 519.02 to 519.25, should apply to the location of the tower.

Notice to the Board of Trustees shall also verify that notice to the surrounding property owners has been given as required by this paragraph. Also, the applicant shall include with the notice to the Trustees an inventory of its existing antennas or towers that are within the township boundaries with specific information about the location, height, and design of each tower or antenna. The applicant shall also submit an inventory of all other anticipated tower or antenna locations within the township. The inventory of anticipated sites does not trigger the notice requirements for those sites which is provided in this paragraph; separate notice is required for each site on which an applicant proposes to construct a telecommunications tower.

If the notice required by this paragraph is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. Cross reference: G.R.C. §519.211(B) (3), (F).

11.3 Response by Surrounding Property Owners or Trustees

If the Board of Township Trustees receives notice from a property owner given notice by the terms of Section 11.2 within 15 days of the date of mailing the notice, the Trustees shall request that the Township Clerk send the person proposing to construct the tower written notice that the tower shall be subject to the Township's authority to regulate the location, erection, construction, reconstruction, change, alteration, removal and enlargement of the tower through this Resolution. Alternatively, a Trustee may make an objection to the proposed location

of the tower within the 15 day period. Upon the Trustee's objection, the Board shall request that Township Clerk make notice to the applicant as provided above. The written notice from the clerk, under all circumstances, shall be sent no later than 5 days after the first objection received, whether from a neighboring property owner or a Trustee. As of the date that the clerk's notice is mailed, the terms of this Zoning Resolution, as authorized by statute, shall apply to the tower. Cross-reference: O.R.C. §519.211(B)(4)(a).

11.4 No Response from Surrounding Property Owners or Trustees

If the Board of Township Trustees receives no notice from surrounding property owners and no Trustee makes an objection to the location of the tower within the 15 day period, then the Township is divested of all power to regulate the location, erection, construction, reconstruction, change, alteration, removal and enlargement of the tower, without exception. Cross-reference: O.R.C. §519.211(B)(4)(b).

11.5 Procedure upon Response from Surrounding Property Owners or Trustees

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following procedure shall be followed:

A. The person proposing to construct the telecommunications tower (the applicant) shall prepare a full site plan at the scale of 1 inch to 100 feet (1"=100') indicating the following:

- 1) Total site area.
- 2) The existing zoning of the property and all adjacent properties.
- 3) All public and private rights-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.
- 4) Existing topography with a maximum of 5 foot contour intervals and proposed grading plan with a maximum of 5 foot contour intervals.
- 5) The location of all existing buildings and structures and the proposed location of the telecommunications tower or antenna and all support structures including all dimensions, heights and the floor area of any support buildings or structures.

6) 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..

7) A landscape plan to include all proposed sidewalks, open space, screening, fencing, walls and vegetation.

8) All existing and proposed utilities including types and grades.

9) The project/construction schedule.

10) A written statement by the applicant as to the visual, electronic, and aesthetic impacts of the proposed tower or antenna on all adjacent properties and that all FCC and FAA requirements will be met and addressed.

11) A summary explanation of why the proposed facility cannot be located on any other existing structure or tower, using 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. The 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. Written proof of the contact with owners of all other possible locations, including those of tall structures, within a one (1) mile radius of the proposed site and the requests for permission to install the telecommunications equipment on those structures must be supplied; denial of permission should be for reasons other than economic ones. The township may deny the application to construct a new telecommunications tower if the applicant has not made a good faith effort to mount the devices on existing structures.

12) Evidence that the proposed telecommunications 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.

B. Upon submission of a complete application and site plan to the Zoning inspector, it will be determined if the plan meets the purposes and requirements as established in the Resolution 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. However, upon issuing a final decision on the application, the Zoning Inspector shall cause a copy of his decision to be mailed by certified mail to all persons entitled to notice by the terms of 11.2 or any other resolution or statute. Cross reference: O.R.C. §519.211

11.6 Required Bond for Discontinuance of Use

Any person intending to construct a telecommunications tower or antenna shall file with the Township Clerk a bond in the amount of \$100 per lineal foot of tower to cover the cost of removal in the event of discontinued use. Such bond shall be released by the Township only upon the removal of the telecommunications tower or antenna. This bond is required regardless of whether any response is made to the required notices.

11.7 Use Regulations for Telecommunication Towers and Antennas

In the event that the required notice is given by the applicant and a response is made to that notice by a neighboring property owner or Trustee, consistent with the terms of this Article, the following use regulations shall apply to the proposed tower, in addition to any other regulations which are made applicable by the terms of this Zoning Resolution:

A. An antenna or other telecommunications device may be installed on an alternative tower structure (such as a building, water tower, or other free-standing, non-residential structure) of at least 50 feet in height so long as the device does not increase the height of the existing structure by more than 20 feet and so long as the Zoning Inspector makes a finding that such addition will not create hazards to aviation, property or persons. Any telecommunications device that is mounted to an existing structure shall be painted a color which is compatible or identical to the structure on which it is located. Furthermore, it shall also be placed in a way which minimizes the visibility of said device. Applicants should consult with the Zoning Inspector prior to construction to receive assurances that the selected paint color and location will meet these criteria.

B. All other accessory uses to telecommunications antennas and towers including, but not limited to, business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the township zoning district in which the antenna or tower is located. Associated buildings shall not be used as a primary working center or location for any worker or employee. This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments.

11.8 Telecommunications Tower Site Standards

A. Setbacks from the base of the tower.

If a new telecommunications 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 at a minimum a distance equal to the height of the tower plus 10%.

Preference shall be given to towers proposed in wooded or forested areas over those proposed for open fields or hills.

C. Maintenance

- 1) Any owner of property used as a telecommunications tower site shall maintain the property and all structures in good condition, maintain landscaping and keep the site free from trash, outdoor storage, weeds and other debris.
- 2) Any tower found through inspection by the owner or the Zoning Inspector to be structurally unsafe shall be removed at the tower owner's expense if it cannot be brought into compliance within 180 days of the inspection.
- 3) Notice shall be provided to the Zoning Inspector when the tower service has been discontinued. Towers which are not used for a period of 6 continuous months or more shall be removed by the tower owner within 120 days of notice by the Zoning Inspector ordering such removal. "Discontinued" shall include in its meaning that the structure has not been maintained, has been abandoned, become obsolete or has ceased the daily activities or operations for which it was constructed.

D. Tower safety

- 1) The tower owner shall demonstrate that the proposed telecommunications tower and antenna ties are safe and that the surrounding properties will not be negatively affected by tower failure or radio frequency interference. All telecommunications towers shall be fitted with anti-climbing devices.
- 2) A fence shall be required around the tower and its support structures(s), unless the device is mounted on an existing structure. The fence shall be a minimum of 8 feet in height and shall be erected to prevent access by non-authorized personnel.

E. Appearance

- 1) No commercial advertising of any kind shall be allowed on the tower or its related facilities.

2) The color of the tower shall be neutral, except to the extent required by federal law, so as to minimize visibility of the structure.

3) Existing vegetation on and around the site shall be preserved and maintained to the greatest extent possible.

4) A landscape buffer and screening shall be installed in an appropriate location to create a visual block from adjacent properties and roads. A landscape buffer shall be installed around the perimeter of the tower site and all improvements on the site including the tower and guy anchors, and ground buildings and equipment, and security fencing.

Article 12 - Extraction of Minerals

12.0 Extraction of Minerals--General Requirements.

Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any district may file with the BZA an application for authority to mine the minerals therefrom; such authorization shall be conditioned, at minimum, on his compliance with all regulations of the district in which the property is located, except for accessory structure setbacks, and with the following additional requirements:

A. Distance from Property Lines: No quarrying operation shall be carried on, or any stockpile placed closer than 100 feet to any property line unless a greater distance is specified by the BZA where such is deemed necessary for the protection of adjacent property.

B. Distance from Public Right-of-way. In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 25 feet to the nearest line of right-of-way so long as the right-of-way is at least 15 feet in depth from the center line of such right-of-way.

C. Barrier. A barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the BZA, such barrier is necessary for the protection of the public safety, and shall be of a type specified by the BZA.

D. Processing. The crushing, washing and refining or other similar processing of minerals may be authorized by the BZA 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.

12.1 Applicant--Financial Ability

When submitting an extraction application for review, the applicant shall provide a defensible financial plan or prospectus to the BZA establishing its ability to conduct mining or quarrying operations in compliance with the entire township zoning regulations and all other applicable statutes or laws. If the BZA is satisfied that the applicant is financially able to carry out the proposed mining operation in accordance with all applicable regulations and its submitted specifications, then the application for extraction may be approved.

12.2 Contents of Application for Extraction

An application for such operation shall include the following information, including eight (8) copies of each:

- A. Name of the owner or owners of land from which the removal is to be made.
- B. Name of the applicant making the request for such authorization.
- C. Name of the person or corporation conducting the actual removal operation and the names, locations, and dates of operation of all other sites from which mineral extractions/mining has occurred.
- D. Location, description and size of the area from which the removal is to be made.
- E. Location of the processing plant or facilities to be used.
- F. Type of resources or materials to be removed.
- G. Proposed method of removal and whether or not blasting or other use of explosives will be required.
- H. Description of equipment to be used, including measurable noise levels thereof, by-product creation, dust, fumes, etc.
- I. Method of rehabilitation and reclamation of the mined area, including the expected timetable for mining and reclamation.
- J. A statement of the impact of the mining operation on farmland in the area to be mined and which is adjacent to the operations.
- K. Names, locations, and dates of reclamation of past projects.

12.3 Public Hearing for Application for Extraction

Upon receipt of such application, the BZA shall set the matter for a public hearing in accordance with the provisions of Article 17.

12.4 Additional Requirements

In addition to the foregoing, the BZA may impose such other conditions, requirements or limitations concerning the nature, extent of the use,

and operation of such mines, quarries, or gravel pits and/or the processing of such materials as the BZA may deem necessary for the protection of adjacent properties and the public interest. The BZA may limit, restrict, or prohibit the processing of materials recovered at sites other than those located in Harrison Township for the purposes of protecting the general welfare of the citizens and surrounding landowners and for the protection of the Township roads. The said conditions and the amount of the performance bond shall be determined by the Board prior to the issuance of the permit.

12.5 Gas and Oil Wells

A. In any and all districts of Harrison 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 to the satisfaction of the Zoning Inspector:

- 1) All applicable laws of the State of Ohio are complied with.
- 2) No tanks or reservoirs erected for or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way or within 100 feet of a residence. No wells shall be drilled or maintained on lots used for residential purposes that are less than 2 acres in size. The provisions of this paragraph do not apply to land owned or leased by an industrial firm if the oil or natural gas which will be recovered will be used for the operation of its own plants. Cross reference: O.R.C. §519.211 (E) and §1509.39.

B. No residential structure shall be built within 100 feet of any oil or gas well or any recovery or storage facilities.

Article 13 - Exceptions and Modifications

13.0 Lot of Record

When a lot is an official lot of record at the time of adoption of this Resolution and does not comply with the area requirements of this Resolution, such lot may be used as a building site. However, if the lot does not comply with other requirements, such as yard, frontage, or other requirements of this Resolution, such lot may be used as a building site only upon application and approval of a variance for those nonconformities. An application for a variance for each the relevant ways in which the lot does not comply with this Resolution is required. Such an application must be filed within 10 years after the effective date of this Resolution (05 / 09 / 02) unless the application is for a replacement of a building destroyed by fire or other natural disaster.

13.1 Exception to Yard Requirements

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, and roof overhangs may project into the required yards; provided such projection is not more than 4 feet and does not reach closer than 4 feet to any lot line.

13.2 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, conveyors, flagpoles, radio or telecommunications towers, masts and aerials.

Article 14 -Enforcement

14.0 Enforcement by Zoning Inspector

There is hereby established and continued the office of Township Zoning Inspector. It shall be the duty of the Zoning Inspector to:

- A. Enforce this Resolution in accordance with the administrative provisions of this Resolution.
- B. Make a monthly review of the township by roads for zoning violations.
- C. Maintain the zoning map and all amendments thereto.
- D. Provide information about the Zoning Resolution in response to requests from any person.
- E. Initiate citations for non-compliance with this Resolution.
- F. Make a monthly report of the activities of his Office to the Township Trustees.
- G. Attend all Township Zoning Commission and Board of Zoning Appeals meetings.

Cross reference: O.R.C. §519.16.

14.1 Compliance by Township Officials

All department 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. Cross reference: O.R.C. §§519.16, 519.17.

14.2 Zoning Certificate

A. It shall be unlawful for any person to use land or to use, locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure, or to permit any of these acts, without first obtaining a Zoning Certificate from the Zoning Inspector when such land, building or structure is regulated by this Zoning Resolution. No such Zoning Certificate shall be issued unless the plans for the proposed use, building, or structure fully comply with the zoning regulations in effect. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate whenever authorized to do so. No Zoning Certificate shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this Resolution.

B. The Zoning Inspector shall act upon all applications on which he is authorized to act, within the provisions of this Resolution, within 30 days after the date an application is filed, provided that the application is full, complete, and in compliance with the terms of this Resolution. When authorized, he shall issue a Zoning Certificate within said 30 days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. 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 in writing.

C. Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate or other statement 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 the conformity of such building and use to the provisions of this Resolution. In the event that the building or use is not in compliance with these requirements, the Zoning Inspector shall process the request as an application for a certification of a nonconforming use and shall proceed according to the provisions in Section 6.1.

D. In all circumstances except the following, a Zoning Certificate is required before the commencement of work or the engagement of contractors:

- 1) construction of a yard barn, satellite dish, swimming pool, hot tub/spa, or other non-agricultural accessory structure
- 2) landscaping or gardens
- 3) construction of a fence
- 4) construction of a detached garage able to accommodate no more than 2 motor vehicles and which will not be used for purposes other than storage of those vehicles or incidental residential activities
- 5) construction of any agricultural structure unless governed by section 8.9

14.3 Application for Zoning Certificate

Every application for a Zoning Certificate shall be submitted in duplicate and shall include:

- A. A copy of the deed of the subject property;
- B. Plans in black-or blue-line print, showing (on the basis of a survey):
 - 1) the actual location, shape and dimensions of the lot to be built upon or to be changed in its use in whole or part;
 - 2) the exact location, size and height of any building or structure to be erected or altered;
 - 3) the actual location, shape and dimensions of all adjoining lots, and buildings thereon;
- C. A statement of the existing and intended use of each building or structure or any part thereof, and of all of the adjoining lots and buildings thereon;
- D. A statement of the number of dwelling units (including Secondary Dwelling Units) the building is designed to accommodate;
- E. Such other information with regard to the lot and the neighboring lots as may be necessary to demonstrate compliance with the terms of this Resolution;
- F. For residential buildings only, if the lot is not provided with, and is not intended to be provided with, public water and/or disposal of sanitary waste by means of public sewers, the application shall be accompanied by a Certificate of Approval from the Knox County Health Department of the proposed method of water supply and/or disposal of sanitary waste;
- G. And, when no buildings are involved, a statement of the location of the present use and proposed use to be made of the lot.

Upon action by the Zoning Inspector, one copy of the submitted plans shall be returned to the applicant together with either the Zoning Certificate (if approved) or notice of refusal (if denied). The other copy shall remain on file at the Zoning Inspector's office along with a copy of the action taken by the Zoning Inspector. The lot and the location of the building thereon shall be staked out on the ground before construction is started to facilitate inspection during construction.

14.4 Fees for Zoning Certificates and Other Permits and Applications

The fees to be charged for zoning certificates, permits, or applications for approval which may be required by this Resolution shall be determined by the Board of Township Trustees.

14.5 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 cited and charged with a minor misdemeanor, and upon conviction thereof, shall be fined not more than \$100.00 per offense. Each violation of individual provisions of this Resolution may be charged as separate offenses. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense. Cross reference: O.R.C. §§519.23, 519.99.

14.6 Enforcement Remedies

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

Article 15 - Township Zoning Commission

15.0 TZC Establishment and Composition

A. The Board of Township Trustees shall create and establish the Harrison Township Zoning Commission (TZC). The Commission shall be composed of 5 members who reside in the unincorporated area of the township, to be appointed by the Trustees.

B. The Trustees may appoint 2 alternate members to the TZC. An alternate member shall take the place of an absent regular member at any meeting of the TZC; regular TZC members shall be responsible for securing the attendance of an alternate in their stead whenever they expect to be absent at any meeting. Alternates shall meet the same appointment criteria as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

C. Regular members of the TZC shall serve 5 year terms. Currently seated TZC members shall retain their positions for the duration of their remaining terms so that the term of one member will expire each year.

Alternate members shall serve 2 year terms with the first appointed alternate to serve for 1 year so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

D. Each January, the TZC shall meet to elect a chairperson, assistant chairperson, and a secretary. Thereafter, meetings shall be held at the call of the chairperson as necessary to address the business before the TZC, including any business required by this Resolution. Three members of the TZC shall constitute a quorum. All meetings of the TZC shall be open to the public.

E. Members of the TZC shall be removable for nonperformance of duty, misconduct in office, or for cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, provided that a copy of the charges has been served upon the member charged at least 10 days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the Trustees may approve and provide.

Cross Reference: O.R.C. §519.04.

15.1 Powers and Duties of the TZC

A. The TZC shall have the following duties:

- 1) Whenever necessary, to submit plans, text, and maps which make its recommendations for the carrying out by the Trustees of the Ohio Revised Code Sections 519.01 to 519.99, inclusive.
- 2) Whenever necessary, shall submit plans, text, and maps which recommend additions to territory in which this Resolution should be in effect.
- 3) To organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.
- 4) To hear and decide questions of interpretation of the Zoning Map;
- 5) To make an annual review of this Resolution, its operation, strengths and weaknesses, and the administration thereof and submit its report to the Trustees.
- 6) To make use of such information and counsel as is available from appropriate public officials, departments and agencies (including

Knox County planning documents and updates) and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the TZC.

7) To submit comments to the BZA relating to a proposed expansion of a nonconforming use or building.

B. The TZC shall have the following powers:

1) Within the limits of the moneys appropriated by the Trustees for the purpose, to employ or contract with such planning consultants and executive and other assistants as it deems necessary. No township trustee shall be employed by the zoning commission of his township.

2) To request the Knox County Regional Planning Commission to prepare or make available a zoning plan, including text and maps, for the unincorporated area of the township or any portion of the same.

3) To initiate the amendment of this Resolution by passing a motion containing its recommendations. Cross Reference: O.R.C. §§519.05, 519.12(A)

Article 16 - Board of Zoning Appeals

16.0 BZA Establishment and Composition

A. There is hereby re-established the Harrison Township Board of Zoning Appeals (BZA) consisting of five (5) members who shall be appointed by the Board of Harrison Township Trustees and who shall be residents of the unincorporated area of Harrison Township included in the area zoned.

B. The Trustees may appoint 2 alternate members to the BZA. An alternate member shall take the place of an absent regular member at any meeting of the BZA; regular BZA members shall be responsible for securing the attendance of an alternate in their stead whenever they expect to be absent at any meeting. Alternates shall meet the same appointment criteria as regular members. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

C. Regular members of the BZA shall serve 5 year terms. Currently seated BZA members shall retain their positions for the duration of their remaining terms so that the term of one member will expire each year. Alternate members shall serve 2 year terms with the first appointed alternate to serve for 1 year so that a new alternate is appointed each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

D. Each January, the BZA shall meet to elect a chairperson, assistant chairperson, and a secretary. Thereafter, meetings shall be held at the call of the chairperson as necessary to address the business before the BZA, including any business required by this Resolution. Three members of the BZA shall constitute a quorum. All meetings of the BZA shall be open to the public.

E. Members of the BZA shall be removable for nonperformance of duty, misconduct in office, or for cause by the Board of Trustees upon written charges being filed with the Trustees and after a public hearing has been held regarding such charges, provided that a copy of the charges has been served upon the member charged at least 10 days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies, however created, shall be filled by the Trustees and shall be for the unexpired term. Members may be allowed their expenses, or such compensation, or both, as the board may approve and provide.

Cross Reference: O.R.C. §519.13.

16.1 Powers and Duties of the BZA

A. The BZA shall have the following duties:

1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or any other township administrative official in the enforcement of this Resolution or the statutes authorizing this Resolution;

2) To authorize, upon appeal, in specific and limited cases, such variance from the terms and requirements of the Zoning Resolution as will not be contrary to the public interest, where, owing to special and extraordinary conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;

3) To grant conditional use permits for land, buildings, or other structures as permitted by the terms of this Resolution. In considering an application for a conditional use, the BZA shall give due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions which the BZA may deem necessary for the protection of adjacent properties and the public interest. These conditions may address location, construction, maintenance, placement or orientation of buildings, and operation in addition to those elements expressly stipulated in this Resolution for the particular conditional use;

4) To hear and decide other applications or complaints as may be authorized by the provisions of this Resolution, such as compliance with performance standards;

5) To revoke an authorized variance or conditional use permit granted for the extraction of minerals if any condition of the variance or certificate is violated. Cross Reference: G.R.C. §519.14

B. The BZA has the following powers:

1) To employ, within the limits of the moneys appropriated by the Trustees, such executives, professional, technical and other assistants as it deems necessary;

2) To administer oaths and compel the attendance of witnesses;

3) To 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 BZA as may reasonably be required; Cross Reference: O.R.C. §519.13, 519.15

C. The BZA shall organize and adopt rules for the transaction of its business, and keep a record of its actions and determinations, including the vote of each member or alternate upon each question or if absent or failing to vote, indication of such fact. Record shall be kept of all of its examinations and other official actions. These records shall be filed immediately in the office of the Township Trustees and shall be a public record. Cross Reference: O.R.C. §519.15

D. In exercising its power, the BZA may, in conforming with the provisions 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 officer from whom the appeal is taken.

16.2 Procedures

A. General Procedures

1) Meetings of the BZA shall be held at the call of the Chairman or at other times as the BZA may determine, except that the BZA shall meet each January for organization and for the election of the Chairman by the regular members of the BZA. Three (3) members of the BZA shall constitute a quorum. All meetings of the BZA shall be open to the public.

2) The BZA shall act by resolution; a concurring vote of 3 members shall be necessary to reverse an order or determination of the

Zoning Inspector or to decide in favor of an applicant in any matter in which the BZA has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution. Any vote which results in a tie shall result in the defeat of the resolution/ application. Whether approving or disapproving an application, the BZA shall make written findings of fact in support of its decision.

3) No action alleging procedural error in the actions of the Harrison Township BZA in the granting of a zoning variance or conditional use permit shall be brought more than 2 years after the variance or permit was granted. Cross Reference: O.R.C. §519.122.

B. Procedure on Appeal from an Administrative Decision

1) Initiating an appeal. Appeals to the BZA 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 20 days after the decision made by filing with the Zoning Inspector, and with the BZA, a notice of appeal specifying the grounds thereof. Upon receipt of a notice of appeal, the Zoning Inspector shall transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. This record shall be transmitted to the BZA within 10 days of the filing of the notice of appeal.

2) Appeal hearing. The BZA shall fix a reasonable time for the public hearing of the appeal, giving at least 10 days notice by certified mail to the parties in interest, giving notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Whenever practicable, the BZA shall schedule appeal hearings within 30 days of receipt of the notice of appeal. Each appeal shall be accompanied by a check payable to the Clerk of Harrison Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. The Zoning inspector shall attend all BZA meetings/hearings relating to any appeal taken from his decision. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.

3) Stay of proceedings. An appeal shall stay all proceedings or actions by the Zoning Inspector or the appellant in furtherance of the action appealed from unless the Township Trustees certify to the BZA that, by reason of the facts stated in its certification, a stay would cause imminent peril to life or property. In such case, the proceedings or actions shall not be stayed otherwise than by order which may, on due cause shown, be granted by judicial

proceedings. An appeal from a decision by the BZA shall also serve as a stay of proceedings or actions against all parties which are in furtherance of the action appealed from unless an order to the contrary is obtained through judicial proceedings.

4) BZA decision. The BZA shall hold or continue hearings on any appeal as necessary to obtain a full disclosure of relevant evidence pertaining to the issues appealed. However, under no circumstances shall such hearing period extend for longer than 90 days from the date of filing of the notice of appeal. The BZA shall consider in any appeal whether the decision by the Zoning Inspector is illegal, arbitrary, unreasonable, or unsupported by the preponderance of all of the evidence before him. A certified copy of the BZA decision in any appeal shall be transmitted to the appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and the appellant, unless appealed from to the Court of Common Pleas, and shall be observed as a final and binding decision. The terms and conditions of the BZA decision shall be incorporated into any permit authorized for the applicant whenever authorized by the BZA. Cross Reference: G.R.C. §519.15, 2506.04

C. Procedure for Variances

1) Initiating a variance. A variance is a relaxation of the terms of the Zoning Resolution where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Resolution would result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. Cross Reference: O.R.C. §519.14(B).

As used in this Resolution, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

An application on appeal for a variance may be filed at any time by a person desiring such provided that the applicant has taken no steps or expended any funds in furtherance of the action for which a variance is desired. In such cases, the BZA will consider such application only under the most dire and extraordinary circumstances and when justice demands such consideration.

2) Public hearing on a variance application. The BZA shall fix a reasonable time for the public hearing of the request for a variance, giving at least 10 days notice by certified mail to the parties in interest, giving notice of such public hearing by one

publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing, and shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the BZA shall schedule variance hearing within 30 days of receipt of the application/appeal date. Each variance application shall be accompanied by a check payable to the Clerk of Harrison Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.

3) Conditions which may justify a variance. The BZA is empowered to permit variance from the provisions and requirements of this Resolution as will not be contrary to the public interest and only in such cases where the spirit of the Resolution shall be observed and substantial justice done because, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions and requirements would cause unnecessary economic hardship. A variance may be permitted when:

- a) by reason of exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution and not through the subsequent action of an owner/applicant; or
- b) by reason of the exceptional topographic conditions or other extraordinary situations or conditions of such properties; or
- c) by reason 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 cause unnecessary hardship. When a variance is requested, the BZA shall have the power to authorize a variance from the terms of this Resolution only to the degree necessary to relieve such hardship, so that the spirit and purpose of this Resolution shall be observed as closely as possible and substantial justice done.

In authorizing a variance, the BZA 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 this Resolution and in the public interest. In authorizing a variance with attached conditions, the BZA shall require such evidence and guarantee or bond as it may deem necessary to ensure that the conditions attached are being, and will be, complied with.

Cross reference: O.R.C. §519.14(B)

4) BZA required findings for variance. No variances in the provisions or requirements of this Resolution shall be authorized by the BZA unless it finds that all of 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; and

b) That such variance is absolutely necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same immediate vicinity; and

c) That the authorization of such variances will not be a substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or the public interest; and

d) That the condition or situation of the specific piece of property, and/or the intended use of said property for which a variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

5) BZA decision. The BZA and the applicant shall follow the procedures outlined in section 16.2.B.4) when issuing a decision on any variance application.

D. Procedure for Conditional Use Permits

1) Initiating a conditional use permit. Any person may file an application with the Zoning Inspector for a Conditional Use Permit for a conditional use which is listed in the township Zoning Districts. If the Zoning Inspector determines that the conditional use requested is not listed in this Resolution, he shall return the application to the applicant and no further action by the Township is required. If the application is for a listed conditional use, he shall forward the application to the BZA.

2) Public hearing on conditional use permit The BZA shall fix a reasonable time for the public hearing of the request for a Conditional Use Permit, giving at least 10 days notice by certified mail to the parties in interest, giving notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of SUC11

hearing, and shall decide the same within a reasonable time after the hearing is concluded. Whenever practicable, the BZA shall schedule the permit hearing within 30 days of receipt of the application date. Each application shall be accompanied by a check payable to the Clerk of Harrison Township or cash payment sufficient in the amount to cover the cost of publishing and/or posting and mailing the notice or notices of the hearing or hearings. At the public hearing, any person may appear in person or by attorney. Any party adversely affected by the decision of the BZA may appeal to the Court of Common Pleas of Knox County.

3) BZA decision In considering an application for a Conditional Use Permit, the BZA shall give due regard to the facts and circumstances presented in terms of the following standards and shall make findings of fact, when supported by the evidence, showing that:

a) the use will be harmonious with and in accordance with the general objectives of this Resolution; and

b) the use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area; and

c) the use will comply with the performance standards of this Resolution; and

d) the use will be adequately served by public facilities and services which are currently available (such as highways, streets, fire/sheriff protection, drainage, refuse disposal, water, sewer, schools) or that, alternatively, such services will be provided by the landowner for his own needs; and e) the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the township; and

f) the use will have appropriately designed vehicular access/egress approaches and points so that no interference with traffic on surrounding public streets is caused.

The BZA shall also give due regard to the nature and condition of all adjacent land and structures and may impose such requirements and conditions which the BZA may deem necessary for the protection of adjacent properties and the public interest. These conditions may address location, construction, maintenance, placement or orientation of buildings, and operation in addition to those elements expressly stipulated in this Resolution for the particular conditional use.

E. Procedure for Substitution or Extension of Nonconforming Uses or Buildings.

- 1) An application for either the substitution or extension of a nonconforming use or building must be filed with the Township Zoning Commission for review and comment to the BZA unless there will be no structural alterations made, except those required by law or this Resolution, in which case it may be filed directly with the BZA.
- 2) The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot may be made provided that:
 - a) The lot was under the same ownership as the lot in question at the time the use of such building became nonconforming, and
 - b) Such extension is necessary and incidental to such existing nonconforming use, and
 - c) Such extension shall be set off at a distance of not more than 50 feet of the existing building or premises, and
 - d) Such extension shall not exceed more than 50% of the square footage of the current buildings or area devoted to the existing non-conformity, and
 - e) Such extension shall not result in any negative impact on adjacent agricultural uses.

F. Procedure for All Other Applications

Any other applications over which the BZA has primary authority shall follow the procedure outlined for Conditional Use Permits, except that the criteria for approval of any other kind of application shall apply.

G. Revocation of Variances or Conditional Use Permits for Extraction Uses.

- 1) If a violation of the terms or conditions of any variance or conditional use permit is made known to the Zoning Inspector, he shall investigate the violation to the extent necessary to confirm the infraction. At the conclusion of such investigation, he shall report his findings in writing to the BZA and a recommendation to revoke the variance or conditional use permit, if appropriate under the circumstances.
- 2) Upon receipt of the Zoning Inspector's report and a recommendation to revoke the variance or permit, the BZA shall notify the holder of the variance or permit by certified mail of:

- a) the BZA's intent to revoke the variance or permit according to the terms of O.R.C. §519.14(D);
- b) his right to a hearing before the BZA within 30 days of the notice;
- c) his obligation to notify the BZA in writing of his request for a hearing.

3) If the holder makes a written request for a hearing, the BZA shall set a time and place for the hearing which affords notification of the public and it shall notify the holder of such time and place by regular mail. If no hearing is requested, the BZA may revoke the variance or conditional use permit without a hearing.

4) At the hearing, the holder may appear in person, by his attorney, or by other representative(s), or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him.

Cross reference: O.R.C. §519.14(D)

Article 17 - District Changes and Resolution Amendments

17.0 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 therefore by the Township Trustees, or by the filing of an application with the Zoning Commission therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission. Cross Reference: O.R.C. §519.12

17.1 Procedure for Change

Applications for amendments or supplements to this Zoning 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 application.

17.2 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.

17.3 Public Hearing by the Zoning Commission

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon; which date shall not be less than 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. Cross Reference: O.R.C. §519.12 (A)

17.4 Written Notice

A. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land, as listed on the County Auditor's current tax list, the written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least 10 days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of deliveries of such notice shall not invalidate any such amendment.

B. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing;
- 2) A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for

examination for a period of at least 10 days prior to the public hearing;

6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

7) Any other information requested by the Zoning Commission;

8) A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than 10 parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1) The name of the Zoning Commission that will be conducting the public hearing;

2) A statement indicating that tile motion, application, or resolution is an amendment to the Zoning Resolution;

3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 10 days prior to the public hearing;

4) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

5) Any other information requested by the Zoning Commission;

6) A statement that after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

Cross Reference: O.R.C. §519.12(B), (C), (D).

17.5 Transmittal to Regional Planning Commission

Within 5 days after the adoption of such motion, or the certification of such resolution or such application, the Zoning Commission shall transmit a copy thereof together with a text and map pertaining thereto to the Knox County Regional Planning Commission. Cross Reference: O.R.C. §519.12 (E)

17.6 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 but is not binding. Cross Reference: O.R.C. §519.12 (E)

17.7 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 thereto, and the recommendation of the Regional Planning Commission thereon to the Township Trustees. Cross Reference: O.R.C. §519.12 (E)

17.8 Public Hearing by Township Trustees--Published Notice

A. 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 30 days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Township Trustees by one publication in 1 or more newspapers of general circulation in the township at least 15 days before the date of such hearing.

B. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for

examination for a period of at least 10 days prior to the public hearing;

6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

7) Any other information requested by the board.

C. If the proposed amendment alters the text of the Zoning Resolution, or rezones or redistricts more than 10 parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

1) The name of the board that will be conducting the public hearing;

2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;

3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least 10 days prior to the public hearing;

4) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

5) Any other information requested by the board.

Cross Reference: O.R.C. §519.12 (E)

17.9 Public Hearing by Township Trustees--Written Notice

A. In addition to published notice, written notice of the hearing shall be mailed by the Township Trustees by certified mail 15 days before such hearing to all owners of property within and contiguous to the area proposed to be reclassified or redistricted. The failure of delivery of such notice shall not invalidate any amendment or supplement.

B. If the proposed amendment intends to rezone or redistrict 10 or fewer parcels of land as listed on the County Auditor's current tax list, the written notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

1) The name of the board that will be conducting the public hearing;

- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;
- 4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- 5) The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least 10 days prior to the public hearing;
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7) Any other information requested by the board.

c. If the proposed amendment altered the text of the Zoning Resolution, or rezones or redistricts more than 10 parcels of land as listed on the County Auditor's current tax list, the written notice shall set forth the time, date, and place of the public hearing and shall include all of the following:

- 1) The name of the board that will be conducting the public hearing on the proposed amendment;
- 2) A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
- 3) The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least 10 days prior to the public hearing;
- 4) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 5) Any other information requested by the board.

17.10 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. Cross Reference: O.R.C. §519.12(H)

17.11 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 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. Each part of this petition shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition, each petition shall be governed by the rules of Ohio Revised Code section 3501.38. Cross Reference: O.R.C. §519.12(H), especially, for form of petition.

17.12 Results 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 effect immediately. Within 5 working days after an amendment's effective date, the Township Trustees shall file the text and maps in the office of the County Recorder and with the Regional or County Planning Commission, if one exists. Cross Reference: O.R.C. §519.12(H)

17.13 Appeal to Court of Common Pleas

Any person adversely affected by an order of the Board of Township Trustees adopting, or rescinding a regulation may appeal to the Court of Common Pleas of Knox County.

17.14 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 amounts to cover the cost of publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions. Cross Reference: O.R.C. §519.12(A)

Article 18 - Validity and Repeal

18.0 Validity and Severability

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 of this Resolution is adjudged

unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby.

18.1 Authentication

The Clerk of the Township is hereby ordered and directed to certify the passage of this Resolution. This Resolution shall be in effect and be in force from and after its passage, approval and publication. The Clerk of the Township is further authorized to certify the passage of amendments to this Resolution as may be made.

All other resolutions and amendments thereto of this township inconsistent herewith, and to the extent of such inconsistently and no further, are hereby repealed.

This Resolution, as amended, shall be in full force and effect, on **May 9, 2002** thirty (30) days after a Public Hearing held by the Harrison Township Trustees on **April 9, 2002**.

Adopted this 9th day of April, 2002

Board of Township Trustees, Harrison Township, Knox County, Ohio

Charles Dudgeon, Chairman

Attest: Richard C. Miller, Clerk, Harrison Township

Dated: April 9, 2002

APPENDIX - NOTICE OF APPEAL FORM

Before the HARRISON TOWNSHIP, KNOX CO. ZONING INSPECTOR

Name of appellant

Address

v.

Zoning Inspector,
Harrison Twp. (Knox County)
8599 Horn Rd.
Gambier, OH 43022

<p style="text-align: center;">NOTICE OF APPEAL</p> <p>NO. _____</p>

(fill in name) Appellant,

hereby gives notice of appeal on questions of law and/or fact (check one or both) to the Harrison Twp. Board of Zoning Appeals, upon the authority of the Harrison Twp. Zoning Resolution from the action of the Zoning Inspector taken on (date) which (describe the action):

Specifically, the action of the Zoning Inspector was (check all that apply):

illegal arbitrary unreasonable unsupported by the preponderance of all of the evidence before him because (briefly describe):

Signed: _____ Appellant

Attach a copy of the decision you are appealing.

FOR OFFICAL USE ONLY:

DATE FILED: _____

DATE OF NOTICE TO PARTIES IN INTEREST: _____

DATE OF NOTICE IN NEWSPAPER: _____

DATE OF PUBLIC HEARING: _____

FEE PAID: \$ _____ METHOD OF PAYMENT: _____

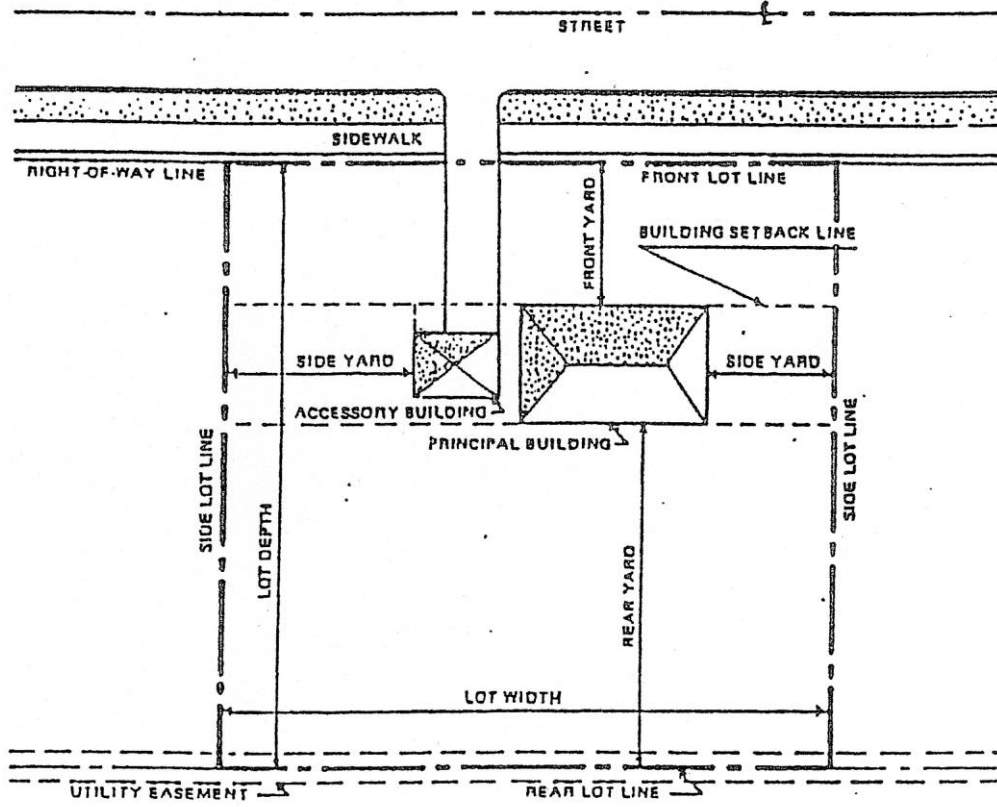
DECISION OF BZA Approved Approved with conditions Denied

THE FOLLOWING CONDITIONS WERE PRESCRIBED:

APPENDIX --- SUMMARY OF ZONING REGULATIONS

DISTRICT	CONSERVATION	AGRICULTURE
Principal uses Permitted as a Matter of right	Agricultural uses; recreational uses; reclamation of land	Agricultural uses; Single family dwellings; secondary dwelling units; some home Occupations; utilities
Conditional uses (must go before BZA)	commercial mining	mobile homes; permanent manufactured homes religious and educational; other home occupations
Height (stories/feet)	2 ½ - 35 feet	2 ½ - 35 feet
Yard (front/side/rear)	90 - 60 - 60 feet	90 - 60 - 60 feet
Lot width	275 feet	150 feet before 11/22/96 275 feet after 11/22/96
Other considerations	Camping activity Limits; Accessory Structure setbacks; Minimum maintenance Requirements; non- forming use registration; Required conditions For all construction; Bufferyards for Mining	Camping activity Limits; Accessory Structure setbacks; Minimum maintenance Requirements; non- forming use registration; Certain farm markets regulated; Required floor area; Off-street parking requirements

APPENDIX — ILLUSTRATION OF RELEVANT TERMS



LOT AREA= TOTAL HORIZONTAL AREA

