

Certified Draft

Perry Township Zoning Resolution

Perry Township, Licking County, Ohio

Resolution Adopted: XXXXXXXXXXXXXXXX

Effective Date: XXXXXXXXXXXXXXXX

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Amendments

Amendment Date	Effective Date	Article / Section Number	Description

PART ONE - AUTHORIZATION AND GENERAL PROVISIONS

Preamble

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

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ARTICLE 1: AUTHORIZATION AND PURPOSE

Section 1.1 Title

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

Section 1.2 Purpose

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

- A. Regulating the use of land areas and the construction, restoration and/or alteration of buildings or other structures and uses therein.
- B. Restricting the area dimensions of land, yards and open spaces to secure adequate light, air and safety from fire and other dangers.
- C. Controlling the bulk, height, density, and location of buildings or other structures.
- D. Protecting and preserving existing natural resources.
- E. Assuring the orderly growth and development of lands, as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Section 1.3 Applicability and Limitations

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

Section 1.4 Interpretation and Consistency

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

Section 1.5 Separability

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

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ARTICLE 2: DEFINITIONS

Section 2.1 Interpretation

For this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural, and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”. Terms directly related to topics may be defined within the specific sections of the Resolution where those general requirements are found.

Section 2.2 Definitions

“Accessory use” means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use. In residential districts, accessory uses include swimming pools, lakes and/or ponds, courts for private recreation.

“Accessory building” or **“accessory structure”** means a building or structure occupied by an accessory use.

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

“Adult entertainment” means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

“Alterations, Structural” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

“Agricultural Structure” means any Structure which is constructed and used predominantly for one or more activities satisfying the definition of Agriculture.

“Agricultural use” “means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include 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, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Except as otherwise provided in ORC 519.21 divisions B and D, Sections 519.02 to 519.25 of the Revised Code confer no power to prohibit the agricultural use of any land for agricultural purposes or the construction or use of structures incident to the use for agricultural purposes.

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

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

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

“Rear Building Line” means a line touching the rear most part of the building, not to include accessory structures, which is parallel with the building line.

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

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

“Conditional use” means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in [Article 9](#) of this Resolution.

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

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

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

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

“Easements” means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

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

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

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

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

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

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

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

“Frontage” or **“lot frontage”** means the distance along a single street of a contiguous portion of the lot that directly abuts the street and has direct access thereto.

“Garage, Private” means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

“Garage, Public” means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no other service shall be provided for remuneration.

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

“Hotel,” “Motel,” and/or “Apartment Hotel” meaning a building in which lodging or boarding and lodging are provided and offered to the public for compensation.

“Institution” meaning a building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

“Junk Buildings,” “Junk Shops,” and/or “Junk Yards” means any land, property, structure, building or combination of the same, on which junk is stored or processed.

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“Lawful Non-Conforming Structure/Use” meaning a lawful non-conforming use for the purpose of this resolution shall mean any structure or use that existed prior to zoning being enacted by the Board of Trustees, Perry Township, Licking County, Ohio. Additionally, a lawful non-conforming structure or use shall mean any structure or use that complied with the Perry Township Zoning Resolution at the time it was constructed, or the use began, but due to the subsequent amendments and changes to the regulations, said structure or use no longer conforms (complies) with any or all standards of the current effective Perry Township Zoning Resolution.

“Livestock” means farm animals kept for use and profit.

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

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

“Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets.

“Front Lot Line” means a line running down the center of a road or roads or along the right of way of a road or roads along which a parcel is located;

For private, township or county roads: a front lot line runs down the center of the road on which the parcel is located.

For federal or state highways: a front lot line runs along the right of way line.

A parcel with frontage on more than one road will have more than one Front Lot Line

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

“Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a curved roadway or a corner lot of equal dimensions, the parcel will have more than one rear lot line.

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

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

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

“Lot width” is the width of a lot as measured along the frontage of the parcel.

“Maintenance and Storage Facilities” means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

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

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

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

“Open Space” meaning an area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

“Parking Space, Off-Street” meaning an off-street parking space consisting of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

“Performance Bond or Surety Bond” meaning an agreement by a sub divider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider’s agreement.

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

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

“Public Utility” means every corporation, company, co partnership, person, or association, the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including any public utility that operates its utility not for profit except companies as further described in ORC 4905.02. Except as otherwise provided in ORC 519.211 C, B and 519.213 Public Utilities are exempt from Zoning.

“Public Uses” means public parks, schools, governmental, administrative and cultural buildings and structures, including public land or buildings devoted solely to the storage and maintenance of equipment and materials and any other public service facilities.

“Public Way:” means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway,

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freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

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

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

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

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

“Right-of-way line” means a line defining the public right-of-way for a particular roadway.

“Setback Line” means a line established by the zoning resolution generally parallel with and measured from the edge of the pavement, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said code

“Sewers, Central or Group” means an approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

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

“Sidewalk” means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

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

“Site Plan” meaning a drawing of the parcel, drawn to scale, showing and defining all property lines and building outlines, access drives, parking areas, and other notable physical features. Such a drawing must contain an accurate location survey with all relevant distances and dimensions.

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

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“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences. Notwithstanding anything to the contrary, the term “structure” shall include mobile and/or moveable structures.

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

“Subdivision” meaning the dividing of a parcel of property into more than one parcel.

“Substitution” meaning the act and/or process of replacing a conforming or lawful non-conforming structure or use with another conforming structure or use, or nonconforming structure or use to the extent that it does not create a non-conforming structure or use (if replacing a conforming structure or use) or increase the non-conforming structure or use (if replacing a lawful nonconforming structure or use).

“Telecommunications tower” means any freestanding structure or structure attached to another structure, that meets all of the following criteria:

- A. Construction is proposed to begin on or after October 31, 1996.
- B. The tower is proposed to be owned or principally used by a public utility engaged in telecommunications services.
- C. The tower is proposed to have a height of greater than thirty-five (35) feet.
- D. The tower is proposed to have attached to it radio frequency transmission or reception equipment.

“Township” means **Perry Township, Licking County, Ohio.**

“Unlawful Non-Conforming Structure/Use” means an unlawful non-conforming use for the purpose of this resolution shall mean any structure or use that did not exist prior to the zoning being enacted by the Board of Trustees, Perry Township, Licking County, Ohio and said structure or use did not comply with the Perry Township Zoning Resolution at the time it was constructed, or the use began.

“Unnecessary Hardship” meaning a hardship which is substantial and serious and one or more of the following is true:

- A. Application of the zoning ordinance to the parcel of land causes such a diminution of its value as to amount to a confiscation.
- B. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss alone is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.
- C. None of the permitted uses in the zoning ordinance for the particular district may reasonably be applied to the property.
- D. The hardship is unique to the applicant's property and is not a hardship common to the area. In any of the foregoing situations, the hardship cannot have been self-created. An applicant who had knowledge of the zoning restrictions and/or the problems bringing about the hardship, or

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who should have known them at the time the property was purchased, may not claim unnecessary hardship.

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

“Variance” means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Yard” means a required open space other than a court, unoccupied and unobstructed by any structure

or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front yard” means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the front lot line and the front building line.

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

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

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

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

“Zoning District Map” or **“Zoning Map”** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees and established pursuant to [Section 12.02](#) of this Resolution.

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

PART TWO - ADMINISTRATION AND ENFORCEMENT

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ARTICLE 3: ADMINISTRATIVE BODIES & DUTIES

Section 3.1 Zoning Inspector

3.1.1 Office of Zoning Inspector Established

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

3.1.2 Relief From Personal Liability

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

3.1.3 Duties of Zoning Inspector

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

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the appropriate entity for action.
- B. Issue zoning certificate(s) to the owner of a parcel or his/her agent, when the provisions of the Zoning Resolution have been met or refuse to issue the same in the event of noncompliance.
- C. Collect designated fees as established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on the same.
- E. Inspect any buildings or land to determine whether any violations of the Zoning Resolution have been committed or exist.
- F. Advise the Zoning Commission and the Board of Zoning Appeals of relevant matters pertaining to the enforcement of and amendments to the Zoning Resolution.
- G. The zoning inspector will submit copies of the application for issued permits to the Licking County Auditor at least semi-annually or as requested by the County Auditor.

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Section 3.2 Zoning Commission

3.2.1 Establishment

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Zoning Commission in and for Perry Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed.

3.2.2 Removal of Members

Members of the Zoning Commission shall be removable, at the discretion of the Trustees, for nonperformance of duty, misconduct in office, or other just cause by the Board of Township Trustees, after public hearing and notification. Members of the Zoning Commission may resign by written notice to the Board of the Perry Township Trustees. The Board of Township Trustees shall fill such vacancies for the remaining un-expired term.

3.2.3 Proceedings

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

3.2.4 Powers and Duties

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

- A. Initiate amendments to this Resolution, pursuant to [Article 6](#).
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

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Section 3.3 Board of Zoning Appeals

3.3.1 Establishment

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code, subject to such rules of a procedural nature as said Board may adopt and promulgate for the purposes of acting on matters properly before it. The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Perry Township, Licking County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the non-expired term of the member affected.

3.3.2 Removal of Members

Members of the Board of Zoning Appeals shall be removable at the discretion of the Trustees, for non-performance of duty, misconduct in office, or other just cause by the Board of Township Trustees, after public hearing and notification. Members of the Zoning Commission may resign by written notice to the Board of the Perry Township Trustees. The Board of Township Trustees shall fill such vacancies for the remaining un-expired term.

3.3.3 Proceedings

The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution. All meetings of the Board shall be open to the public. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record and be open for public inspection. The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.3.4 Powers and Duties

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to affect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

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- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with [Article 7](#) of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of [Article 8](#) of the Resolution.
- C. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in [Article 9](#) of this Resolution, and such additional safeguards as will uphold the intent of the Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in [Article 5](#) of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with [Section 4.6](#) of this Resolution.
- G. Declare zoning certificates void, pursuant to [Section 4.9](#) of this Resolution.

Section 3.4 Board of Township Trustees

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote of all members of the Board.

Section 3.5 Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

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

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ARTICLE 4: ENFORCEMENT & PENALTY

Section 4.1 Zoning Certificate Required

It shall be unlawful for any owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. The Zoning Inspector shall issue no such certificate until the requirements of this Resolution have been met. A zoning certificate is required for any of the following subject to the limitations of section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings, except portable storage buildings 144 square feet or less which are located in a residential district and are not located in the flood plain overlay district.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by [Article 5](#).

Section 4.2 Application for Zoning Certificate

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

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

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- H. Number of proposed dwelling units.
- I. Number of off-street parking spaces and loading berths.
- J. An approval by the Licking County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- K. Such other material and information as may be requested by the Zoning Inspector to determine conformance with and provide for the enforcement of this Resolution. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

Section 4.3 Approval of Zoning Certificates

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Resolution, unless the provisions of Section 4.4 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. The Zoning Inspector shall retain two (2) copies of plans, similarly marked. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application.

Section 4.4 Submission to the Director of the Department of Transportation

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if the Zoning Inspector does not receive notification of action, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning certificate.

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Section 4.5 Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector, or his/her designated agent, and copies shall be furnished upon request to any resident and/or person.

Section 4.6 Expiration of Zoning Certificates

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

Section 4.7 Certificate of Zoning Compliance

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

Section 4.8 Schedule of Fees, Charges and Expenses

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

Section 4.9 Void Zoning Certificate

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

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

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

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Section 4.10 Violation and Penalty

4.10.1 Construction and use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in [Section 4.10.3](#).

4.10.2 Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any resident or owner of property within the Township may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and within thirty (30) days take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.3 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall be fined up to the greater of \$500 or as permitted under Ohio Revised Code Section 519.99. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.

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ARTICLE 5: NONCONFORMITIES

Section 5.1 Intent

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities, as defined in [Section 5.2](#) below, to continue until they are removed and to permit reasonable extensions and improvements as allowed by law.

Section 5.2 When Permitted

5.2.1 Existing Land or Buildings

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

5.2.2 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within one (1) year from the date of adoption of this Resolution or amendment thereto making said use nonconforming and so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established.

Section 5.3 Discontinuance

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

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

Section 5.4 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided all other requirements are met.

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Section 5.5 Extensions

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

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

Section 5.6 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Resolution, is damaged by storm, fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in [Section 5.5](#).

Section 5.7 Maintenance and Repair

Nothing in this Article shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

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

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Section 5.8 Nonconforming Lots of Record

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Licking County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective. For the purposes of this Section, property located across the roadway from the subject property shall not be deemed as adjacent. If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall re-divide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such would exceed the required lot width in the district by more than twenty percent (20%), such redivision may be made so as to provide one (1) more lot than would otherwise be permitted. If development of a nonconforming lot occurs consistent with the provisions above, the structure shall be located on the lot in such a manner that the front, side and rear yards are as close as possible to the yards established in the district where the lot is located.

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ARTICLE 6: DISTRICT CHANGES AND AMENDMENTS

Section 6.1 Intent

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

Section 6.2 Initiation of Zoning Amendments

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

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

Section 6.3 Contents of Application

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

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

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

Section 6.4 Submission to Regional Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to [Section 6.3](#) above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Licking County Planning Commission. The Licking County Planning Commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to [Section 6.5](#) below.

Section 6.5 Public Hearing by Zoning Commission

6.5.1 Date of Public Hearing

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to [Section 6.3](#) above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

6.5.2 Notice of Public Hearing in Newspaper

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

- A. The time and place of the public hearing.
- B. A statement that the Perry Township Rural Zoning Commission is conducting the hearing.
- C. A statement indicating that the proposed action is an amendment to the zoning resolution.
- D. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- E. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- F. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing,

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- G. The name of the person responsible for giving notice of the public hearing.
- H. Any other information requested by the zoning commission.
- I. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

6.5.3 Notice to Property Owners

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Licking County Auditor's current tax list, as provided by the applicant in [Section 6.03](#) (F) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in [Section 6.5.2](#) above.

Section 6.6 Recommendation by Zoning Commission

Within thirty (30) days after the hearing required in [Section 6.5](#) above, the Zoning Commission shall recommend to the [Section 6.7](#) Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 6.7 Public Hearing by the Board of Township Trustees

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice by newspaper publication of such hearing shall be as specified in [Section 6.5.2](#) above.

Section 6.8 Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required in above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of all three (3) members of the Board of Township Trustees is required.

Section 6.9 Criteria

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

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

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- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

Section 6.10 Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment, for which such referendum vote has been requested, shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take effect immediately.

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ARTICLE 7: APPEALS

Section 7.1 Appeals

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

Section 7.2 Notice of Appeal

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

Section 7.3 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within a reasonable time after receipt by the township Fiscal Officer of the notice of appeal. Notice of such hearing shall be given by publication in one (1) or more newspapers of general circulation in Licking County at least ten (10) days before the date of the hearing; and also, by notification in writing to the appellant(s) and all property owners contiguous to, directly across the street from, or within 200 feet of the subject parcel(s), at least ten days prior to the date of the hearing. The notice shall set forth the time and place of the hearing and the nature of the appeal.

Section 7.4 Action by the Board of Zoning Appeals

The Board of Zoning Appeals shall decide the appeal within a reasonable time after the hearing.

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ARTICLE 8: VARIANCES

Section 8.1 Powers of the Board of Zoning Appeals

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

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such hardship has not been created by the applicant or any person having present or prior interest in the property.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

Section 8.2 Application for Variance

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Licking County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building, including the lots or tracts referenced in [Section 8.02](#) D below.
- D. A list of all property owners contiguous to, directly across the street from, or within two hundred (200) feet of the subject parcel(s), as appearing on the Licking County Auditor's current

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tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries, if available.

- E. Each application for a variance or appeal shall refer to the specific provisions of this Resolution, which apply.
- F. A narrative statement explaining the following:
 - 1. The use for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance is justified, according to [Section 8.01 A-D](#) above.

Section 8.3 Public Hearing by the Board of Zoning Appeals

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

Section 8.4 Action by Board of Zoning Appeals

Within thirty (30) days after the public, hearing pursuant to [Section 8.3](#), the Board of Zoning Appeals shall approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under [Section 4.10](#) of this Resolution. If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

Section 8.5 Expiration and Revocation of Zoning Certificate Issued Under a Variance

The approval of the zoning certificate issued on a lot subject to variance procedures above, shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

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ARTICLE 9: CONDITIONAL USES

Section 9.1 Authority and Purpose

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the respective zoning districts. The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

Section 9.2 Application for Conditional Use

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

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Licking County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, the lots or tracts referenced in [Section 9.02 G](#) below, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries, if available.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

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Section 9.3 General Standards for Conditional Uses

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

- A. Will be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property that shall be so designated as not to create interference with traffic on surrounding public streets or roads.
- F. The applicant has a disability as defined by the Americans with Disabilities Act (ADA) and:
 - 1. The modification requested is reasonably necessary to accommodate the disability under the Federal Fair Housing Act (FFHA).
 - 2. The modification would not fundamentally and unreasonably alter the nature or purposes of the zoning ordinance. Accommodations as defined in "F" above are not transferrable to a new owner and must be removed if no longer necessary.

Section 9.4 Supplementary Conditions

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

Section 9.5 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within reasonable time from the receipt of the application specified in [Section 9.2](#). The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in [Section 8.3](#) of this Resolution.

Section 9.6 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing pursuant to [Section 9.5](#), the Board shall either approve, approve with supplementary conditions as specified in [Section 9.4](#), or disapprove the application as presented. If the application is approved with supplementary conditions, the Board

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shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

Section 9.7 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.

The approval of the zoning certificate issued in accordance with [Section 9.6](#) shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

PART THREE – ZONING DISTRICTS

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ARTICLE 10: STANDARD ZONING DISTRICT REGULATIONS

Section 10.1 Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in [Article 11](#), are hereby established and adopted.

Section 10.2 Rules of Application

10.2.1 Identification of Uses

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

10.2.2 Permitted Uses

Only a use designated as permitted shall be allowed as a matter of right in any zoning district and any use not so designated shall be prohibited unless:

- A. A permitted use may be added to a zoning district by formal amendment, in conformance with [Article 6](#) of this Resolution.
- B. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with [Section 10.2.5](#) of this Article.

10.2.3 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use.

10.2.4 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with [Article 9](#) of this Resolution.

10.2.5 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district. Applications for zoning certificates for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals. Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to

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those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

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

10.2.6 Development Standards

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

10.2.7 Development Plan

For particular uses in specific districts, a *Development Plan* will be cited as required. In such cases, unless otherwise indicated, the applicant shall submit the Development Plan at the time of the application for a zoning certificate. The Development Plan shall contain a site plan for the property show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent property. The Zoning Commission must approve the Development Plan as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission shall find that the following criteria have been met:

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

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ARTICLE 11: ZONING DISTRICTS & ZONING DISTRICT MAP

Section 11.1 Zoning Districts Established

The following zoning districts are hereby established for Perry Township:

Agricultural District (AG)

Flood Plain Overlay (FP)

Section 11.2 Official Zoning Map

The districts established in [Section 11.1](#) of this Resolution are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees and the Fiscal Officer of the Township and shall be on file in the Township offices.

Section 11.3 Interpretation of Zoning District Boundaries

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

ARTICLE 12: AGRICULTURAL DISTRICT

Section 12.1 Purpose

It is recognized that rural based business activity is unique and may possess characteristics typically associated with both agricultural and agricultural-type land uses. The purpose of the Agricultural District (AG) is to protect land best suited for agricultural uses from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and related activities. The AG District protects the long-range physical, social, and economic needs of the agricultural community within Perry Township. Lands within the Agriculture District are located where land is utilized for agricultural production. Residents and other users of property within this district may be subject to inconvenience, injury, and/or discomfort arising from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of agricultural machinery, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Non-farm residents, occupants, and users of property within the AG District should be prepared to accept such inconvenience, injury, and/or discomfort, and may be required to certify the same when a zoning permit for new residential construction is sought. In addition, this district is established to provide areas for single family residential development reflecting very low density and a rural lifestyle. In addition, the standards of this district promote the continuance of agriculture and farm-based uses within the Township. Such development is typically not served by public water or sewer systems.

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Section 12.2 Permitted Uses

- A. One single-family dwelling structure.
- B. Home Occupations (See [Section 15.3](#))
- C. Utility and service system buildings and lands, public buildings, and picnic grounds.
- D. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- E. Similar uses, as determined by the Board of Zoning Appeals.

Section 12.3 Conditional Uses

- A. Cemeteries, golf courses, religious and educational institutions, and similar uses.
- B. Commercial grain storage, bed and breakfast, nursery-plant and material sales.
- C. Wedding venues, farmers markets.
- D. Telecommunication Towers.

Section 12.4 Development Standards

12.4.1 Minimum Lot Area

For residential, the lot area shall be not less than three-quarter (.75) of an acre, or such size as determined by the Licking County Health Department, whichever is larger. For non-residential, there is no minimum lot size.

12.4.2 Minimum Lot Width

All lots of five (5) acres or less shall have a depth:width ratio of not higher than 3:1 and shall have at least 115 feet of contiguous frontage on one publicly maintained street or roadway. All lots of 5.01 acres or more shall have frontage of at least sixty (60) feet of contiguous frontage on one publicly maintained street or roadway. Such lots must maintain a width of at least sixty (60) feet until the lot width is eighty (80) feet or more for at least another 110 feet. Such lots, which have less than one hundred and fifty (150) feet of frontage, shall require a site plan approved by the Zoning Commission.

12.4.3 Minimum Front Yard Depth

Sixty (60) feet from the from centerline of road

12.4.4 Minimum Side and Rear Yard

Five (5) feet.

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12.4.5 Minimum Building Area

No minimum size home is required.

12.4.6 Maximum Building Height

No maximum building height is applicable.

ARTICLE 13: FLOOD PLAIN OVERLAY DISTRICT

Section 13.1 Purpose

It is the intent of the Flood Plain Overlay District (FP) to control the use of floodplains, to limit purposes that could be detrimental to health and welfare for citizens of Perry Township and Licking County. The FP District is an overlay-zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

Section 13.2 Lands Subject to Flooding

For the purpose of this Resolution, “flood plains” are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified by the Federal Emergency Management Agency (FEMA) pursuant to flood insurance rate maps including any subsequent amendments or revisions thereto.

Section 13.3 Development Standards

The standards, requirements and administrative procedures for development of land within the FP District shall be as stated in the ***Licking County Flood Damage Prevention Regulations*** originally adopted by the Licking County Commissioners as may be subsequently amended.

PART FOUR – SPECIAL ZONING REQUIREMENTS

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ARTICLE 14: GENERAL DEVELOPMENT REQUIREMENTS

Section 14.1 Lot Width

14.1.1 Frontage Required

No new structure or use shall commence unless the lot fronts on a public road or other legally recorded right-of-way. If development is to occur on other than a public road, it must meet the following requirements: Submission to and approval of a site plan by the Perry Township Zoning Commission and the following: The Zoning Commission may require standards relating to such private roadway, including, but not limited to, roadway width, construction standards, and maintenance agreements. The potential traffic burden on such roadway shall be a factor in such determination.

14.1.2 Lot Width

Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in [section 14.1.1](#) above. If the lot abuts a roadway that curves at the point of tangency, lot width shall be measured at the front yard setback line.

Section 14.2 Yards and Setbacks

14.2.1 Front Yard Measurements

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

14.2.2 Corner Lots

Structures built on a lot fronting on two (2) or more different roads shall require the front yard setback from both roads.

14.2.3 Side Yard Measurements

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

14.2.4 Rear Yard Measurements

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

Section 14.3 Storm Runoff

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

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Section 14.4 Driveway Culverts

All access across township right-a-way must allow for the unimpeded flow of storm water. Therefore, all driveway culverts shall meet the following minimum standards:

- A. Should be a minimum size of 12" (inches) in diameter. Where necessary, a larger or lesser diameter may be required to control the flow of water.
- B. Pipe is to be buried with a minimum of 12" (inches) cover.
- C. Install inlet drops on the upstream side of each drive.
- D. Driveway culvert must be a minimum of 40' (feet) in length.
- E. Driveway culvert shall be constructed of one of the following materials:
 - a. Reinforced concrete pipe
 - b. Double wall Polyethylene pipe

Section 14.5 Hunting, Trapping, Fishing

Hunting, fishing and trapping must be conducted in accordance with rules and laws as defined by the State of Ohio.

ARTICLE 15: ACCESSARY LAND USES

Section 15.1 Lakes and Ponds

The township doesn't require a permit. Anyone constructing a lake or pond must meet the standards and specifications of the Natural Resources Conservation Service (NCRS) of the U.S. Department of Agriculture (USDA). These standards and specifications are available through the Licking County Soil and Water Conservation District.

Section 15.2 Telecommunications Towers

Telecommunications towers, as defined in [Article 2](#) of this Resolution, may be allowed as a conditional use

in AG District. The process to be used in processing an application for such a tower shall be as specified in

Section 519.211 of the Ohio Revised Code and [Article 9](#) of this Resolution. Telecommunications towers

shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.

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- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be two (2) acres.
- E. Security fencing at least six (6) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.
- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended. If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

Section 15.3 Home Occupations

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

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty percent (20%) of the floor area of the principal dwelling unit structure is devoted to the home occupation.
- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structure.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. External indication of such home occupation shall be limited to one non-illuminated sign not more than four (4) square feet.
- E. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

ARTICLE 16: ADULT ENTERTAINMENT BUSINESSES

Adult entertainment establishments that offer sexually explicit materials shall not be permitted in Perry Township.