

ARTICLE 4 ~ ADMINISTRATION

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Section 4.00 Office of Zoning Inspector Created

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

Section 4.01 Duties of Zoning Inspector

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

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

Section 4.02 Boards of Zoning Appeals and Zoning Commission Created

A Board of Zoning Appeals and a Zoning Commission are hereby created, both of which shall consist of five members and two alternates for each board, each to be appointed by the Board of Township Trustees for a term of five years, except that the initial appointments of regular members shall be one member each for one, two, three, four, and five year terms. Each member shall be a resident of the township. Member of the Board of Zoning Appeals or the Zoning Commission may be removed from office by the Board of Township Trustees for cause, upon written charges and after a public hearing **as provided in O.R.C. 519.04 Township Zoning Commission and 519.13 Township Board of Zoning Appeals**. The Board of Township Trustees shall fill vacancies through appointment for the un-expired term of the member vacating the position.

The alternate members shall meet the same appointment criteria as regular members, and shall take the place of an absent regular member at any meeting of the Board of Zoning Commission and the Board of Zoning Appeals. An alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members of the board(s) may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing as provided in O.R.C. 519.04 **Township Zoning Commission and 519.13 Township Board of Zoning Appeals**. Vacancies shall be filled by appointment by the Board of Township Trustees for the un-expired term of the member affected.

Section 4.0? Proceedings of the Zoning Commission

The commission shall adopt rules necessary ~~to~~ **for** the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings shall be open to the public. The Commission shall abide by the Sunshine Law and all other applicable Ohio Laws. ~~Meetings~~

~~shall be conducted in accordance with Robert's Rules of Order (which are hereby adopted and incorporated by reference herein) unless in conflict with the ORC. In such cases it shall be superseded by the ORC.~~ 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, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the commission.

Section 4.03 Duties of Zoning Commission

For the purpose of this resolution the Commission shall have the following duties as authorized by Section 519.05 of the Ohio Revised Code:

1. Initiate proposed amendments to this resolution and the official zoning map, and make recommendations to the Board of Township Trustees as outlined in Article 5: Amendment.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 5: Amendment.
3. Review all proposed changes to official Zoning Map and make recommendations to the Board of Township Trustees as specified in Article 5: Amendment.
4. Organize, adopt rules for the transaction of the boards business, and keep a record of its actions and determines.
5. Other duties as authorized by the ORC and/or Jersey Township Board of Trustees.
6. Three members of the Zoning Commission shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Zoning Commission present to form a quorum shall be necessary to make a recommendation to the Jersey Township Trustees.

Section 4.04 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this resolution. Three members of the Board of Zoning Appeals shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Board of Zoning Appeals present to form a quorum shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to affect any variation in the application of this resolution. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

Section 4.05 Duties of the Board of Zoning Appeals

In exercising its duties, the board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. A majority vote of those members of the Board of Zoning Appeals present

to form a quorum shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to affect any variation in the application of this resolution. For the purposes of this resolution the board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in unnecessary hardships, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in Article 7 – Establishment and Purpose of the Official Schedule of District Regulations through Article 21 – Landscaping and Buffering and such additional safeguards as will uphold the intent of this resolution.
4. To interpret the zoning map and resolution upon appeal of the Zoning Inspector's decision.
5. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after written notice to the owners of the property or properties concerned, and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this resolution. In case of any questions as to the location of any boundary line between Zoning Districts or where there is uncertainty as to the meaning and intent of a textual provision, a question may be made to the Board of Zoning Appeals and a determination shall be made by said Board.

Section 4.06 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters or Appeal

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

Section 4.07 Procedures and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 4.08 – Procedures and Requirements for Appeals and Variances to 4.18 – General, inclusive of this resolution. As specified in Section 4.09 – Appeals, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 4.08 Appeals

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

Section 4.09 Stay of Proceedings

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

Section 4.10 Variance

Section 4.10.A Use Variance

The Board of Zoning Appeals may authorize upon appeal in specific cases a variance 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 provisions of this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered ground for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provision of this resolution would result in unnecessary hardship.

The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of the property include, but are not limited to:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
2. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
3. That special conditions and circumstances do not result from the applicant.

4. That granting the variance requested will not confer on the applicant by special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
5. Owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property. Copy of the deed showing the applicant's legal ownership of said property.
6. **This item does not make sense here. It is not a factor to be considered more like an item for the application submittal.** ~~Names and addresses of adjoining owners within 500 Feet of property, including property across the roadway. This list shall be typed or printed on mailing labels.~~

Section 4.10.B Area Variance

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

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
2. Whether a variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, medical, fire, or police.);
5. Whether the property owner purchased the property with knowledge or the zoning restriction;
6. Whether the property owner's predicament feasibly can be prevented or corrected through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Section 4.11 Application and Standards for Variances

Section 4.11.A Application Contents

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Clerk containing the following information:

1. Name, mailing address, and phone number of applicants.
2. Legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - A. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
 - B. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution.
 - C. That special conditions and circumstances do not result from actions of the applicant.
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
 - E. Owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property.
5. **Not needed because Bud or I (the clerk) can do this from the Licking County website and I do not use mailing labels I print directly onto the envelope.**
~~Names and mailing addresses of adjoining owners within 500 feet of the property, including across the roadway. This list must be typed on mailing labels.~~
6. Fees need to be paid in accordance to **the adopted Resolution of the Board of Township Trustees** ~~Appendix C: Fee Schedule.~~
7. Other information as specified by the Board of Zoning Appeals.
8. **See application form provided by Zoning Inspector.** ~~See application form in Appendix B—Application Forms.~~

Section 4.11.B Basis for Granting a Variance

A variance shall not be granted unless a Board of Zoning Appeals makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and requirements imposed by Section 4.10.A: Use Variance or Section 4.10.B: Area Variance of this Article have been met by the applicant. Variances may be granted as guided by, but not limited to, any or all of the following examples:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.

2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified as a condition of the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent. (See Article 19: Off Street Parking and Loading Regulations.)
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.
9. Under no circumstance shall a variance be granted due to personal hardship. Variances are granted for reasons associated with difficulties with the land only (i.e. topographical, floodplain, soils, natural feature, and the like).

Section 4.12 Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 2.10: Penalties for Violation of This Resolution.

Section 4.13 Public Hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an Appeal, Variance, or Conditional Use from the Zoning Inspector or an applicant.

Section 4.14 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 4.13 – Public Hearing by the Board of Zoning Appeals, **the notice of public hearing containing such information as required under the provision of Ohio Revised Code §519.15 must be met.**

~~notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the Board of Zoning Appeals).~~

Section 4.15 Notice to Parties in Interest

Before holding the public hearing required in Section 4.13-Public Hearing of Zoning Appeals, **the notice to Parties in Interest containing such information as required under the provision of Ohio Revised Code §519.15 must be** ~~met-written notice of such hearing shall be mailed by the Board of Zoning Appeals by first class mail at least (10) days before the day of the hearing to all owners of property within, contiguous to, and directly across the thoroughfare from the parcel~~ to be considered for an Appeal, Variance or Conditional Use by the Board of Zoning Appeals. The notice shall be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists that may be specified by the Board of Township Trustees.

Section 4.16 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 4.13-Public Hearing by the Board of Zoning Appeals, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 4.12-Supplementary Conditions and Safeguards, or disapprove the request for Appeal, Variance, or Conditional Use. The Board of Zoning Appeals shall further make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 4.08-Appeals.

Conditional Uses shall conform to the procedures and requirements of Section 4.18-Contents of Application for Conditional Use Permit to Section 4.24-Expiration of Conditional Use Permit, inclusive of this resolution.

Section 4.17 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9 shall follow the procedures and requirements set forth in Section 4.18-Contents of Application for Conditional Use Permit to Section 4.24-Expiration of Conditional Use Permit, inclusive. The Board of Zoning Appeals may not permit a use that is dissimilar to the surrounding uses.

Section 4.18 Contents of Application for Conditional Use Permit

Section 4.18A An application for conditional use permit shall be filled with the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of the property.
3. Description of existing use.

4. Zoning district.
5. Description of proposed conditional uses.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine the proposed conditional use meets the intent and requirements of this resolution; a copy of the tax map certified by the County Engineer's office showing the property in question and surrounding areas.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. **Not needed because Bud or I (the clerk) can do this from the Licking County website and I do not use mailing labels I print directly onto the envelope.**
~~Names and addresses of all legal owners of property within, contiguous to, and directly across the thoroughfare from such the parcel to be considered for a variance or conditional use by the Board of Zoning Appeals. The address of such owners shall be obtained from the list of names appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. These names and addresses shall be typed on mailing labels.~~
9. Such other information as may be required in 4.21-Supplementary Conditions and Safeguards, including legal owner's consent if application is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
10. A fee as established by the Board of Township Trustees according to Section 2.11: Schedule of Fees, Charges, and Expenses. **see also Appendix C: Fee Schedule.**

Section 4.19 General Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 4.20: Specific Criteria for Conditional Uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 7 and appears on the Official Schedule of District Regulations adopted by Article 7 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the **County's-Township** Comprehensive Plan and/or the Zoning Resolution.

3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. Additionally, a letter from the agency with water and wastewater authority shall provide a letter stating that they have capacity to serve the site and/or provide on-site water and wastewater service as applicable.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. The owner/developer shall provide a business plan showing the projected number of employees and growth of the proposed business over the next ten (10) years. This shall be used by the owner/developer to show the projected expansion of any proposed structures due to increase in number of employees and/or growth of the business.

Section 4.20 Specific Criteria for Conditional Uses

The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations. In addition, several conditionally permitted uses listed under the various districts of Article 8 – Conservation Districts to Article 14-Planned Unit Development specifically refer to one or more of the following conditions as probable requirement for approval.

Section 4.20.A Protection of Surrounding Properties and Neighborhoods

(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.) ~~remove ()~~

1. Such uses, if not in a residential district, shall not be conducted closer than 500 feet from a residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
2. All structures and activity areas should be located at least 100 feet from all property lines.

3. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
4. Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
5. Such uses should be properly landscaped to be harmonious with surrounding residential uses in accordance with Article 21.
6. The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.
7. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
8. There shall be no more than one (1) sign oriented to each abutting street and identifying the activity. Furthermore, the requirements of Article 20 – Signs and Outdoor Advertising Structures must be met.
9. All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by a suitable screen of evergreen shrubs of at least twenty (20) feet in width and six (6) feet in height above finished grade, a wall at least six (6) feet in height above finished grade or a combination thereof.
10. Sound from loudspeakers, which can be detected beyond the premises, shall not be permitted.
11. The buildings shall be designed so as to conform to the architectural character of the neighborhood.

Section 4.20.B Specific Performance Standards

(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)~~remove ()~~

1. Lighting shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway.
2. Hours may be limited further depending upon the surrounding land uses.
3. The site shall not be used for the exterior storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
4. The facility shall be operated so that a guest resides at the residential structure for not longer than one continuous week.
5. The facility shall contain no more than four (4) sleeping rooms for guests.

6. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
7. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
8. The applicant shall submit a written statement showing the measures and practices he or she will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise runs.
9. Non dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
10. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design of which, shall be approved by the Board of Zoning Appeals. The lot owner shall maintain the fence in a safe and functional manner at all times.

Section 4.20.C Excavation Standards

~~(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)-remove ()~~

1. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
2. All excavations shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
 - A. That the excavating area shall not allow water to collect or remain stagnant therein.
 - B. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will not adversely impact the adjoining land area. The banks of all excavations not back filled shall be sloped, which shall not be less than four (4) feet horizontal to one (1) foot vertical, and said bank shall be seeded to establish permanent vegetation.

Section 4.20.D Mining Standards

~~(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)-remove ()~~

1. There shall be filed with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, the type and number per acre of trees, shrubs, or grass to be planted, and the location of future roads. Drives, drainage courses, or other improvements contemplated.
2. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
3. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

Section 4.20.E Access Standards

(The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations.)-remove ()

1. All points of entrance or exit should be located no closer than 500 feet from the intersection of two arterial thoroughfares, or no closer than 250 feet from the intersection of an arterial street and a local or collector street.
2. Structures should have primary access to a collector thoroughfare.
3. Such departments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
4. Such uses should be located on an arterial thoroughfare, adjacent to sparsely settled residential uses.
5. Such developments should be located on or immediately adjacent to state highways.
6. Truck parking areas, maneuvering lands, and access ways to public thoroughfares shall be designed to cause no interference with safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
7. Such use should be subject to the restrictions outlined in Article 13.
8. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods

and shall, if applicable, provide a safe drop-off point for pedestrians that will not impede other traffic.

~~Section 4.20.F Animal Shelter/Human Society/Kennel-Commercial/Kennel-Agriculture Conditions~~

~~The following conditions shall be applicable to any animal shelter, humane society, or kennel-commercial land use:~~

~~Section 4.20.F.01 Applicability~~

~~In accordance with Section 519.21 of the Ohio Revised Code, a township Zoning Resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:~~

- ~~1. Agriculture on lots of one acre or less;~~
- ~~2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size;~~
- ~~3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Ohio Revised Code. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to section 519.19 of the Ohio Revised Code.~~

~~Section 4.20.F.01 of this section confers no power on any township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.~~

~~Based on Ohio Case Law and Ohio Attorney General Opinion (OAG) Animal Shelters, Human Society, Kennels-Commercial and Kennels-Agriculture shall be classified as animal husbandry for the purposes of Section 519.21 of the Ohio Revised Code. Therefore, except as provided above, kennels-commercial and kennels-agriculture shall be exempt from zoning. Any Animal Shelter, Human Society, Kennel-Commercial or Kennel-Agriculture that is subject to zoning in accordance with Section 519.21 of the Ohio Revised Code noted above, may be conditionally permitted as noted in the Jersey Township Zoning Resolution-district regulations upon complying with the following conditions (standards).~~

~~Ohio Case Law:~~

- ~~• Harris v. Rootstown Township Zoning Board of Appeals, 44 Ohio St. 2d 144, syl. Pt. 73 0-0-2d 451, 338 N.E. 2d 763 (1975).~~

- ~~Mentor Lagoons v. Zoning Board of Appeals-Mentor Township, 168 Ohio St. 113, syl. pt. 3, 5 O.O.2d 372, 151 NE.2d 533 (1958).~~
- ~~Singh v. Pierce Township Board of Zoning Appeals, 1987 Ohio App. LEXIS 7001, at p.3 (Ct. App., Twelfth District, Clermont).~~

Ohio Attorney General Opinions

- ~~OAG 2010-009~~
- ~~OAG 94-040~~
- ~~OAG 89-067~~

Section 4.20.F.01 Setbacks

- ~~Structure including accessory structures.~~
 - ~~Side = 50 feet as measured from the lot line.~~
 - ~~Rear = 50 feet as measured from the lot line.~~
 - ~~Front = 50 feet as measured from the road right-of-way.~~
 - ~~Any animal shelter, humane society or kennel commercial shall maintain a 200 foot setback from any lot that is zoned as a residential district or has a residential use. Said setback shall be measured from the lot line.~~
 - ~~Note: If the zoning district within which an animal shelter, humane society or kennel commercial is conditionally permitted has a greater setback standard than permitted above, the setback standard for the district shall supersede the standard above. Otherwise, the above standard may supersede the district standard to provide additional protections of adjoining lot owners from the adverse impacts of this type of land use.~~
- ~~Outdoor Runs = 300 feet as measured from any lot line and road right-of-way. Said runs shall be located at the rear of the principal structure.~~

Section 4.20.F.02 Buffer

~~The perimeter of a lot of record upon which an animal shelter, humane society or kennel commercial is located upon shall provide a landscape buffer in accordance with Article 21. Said buffer shall exceed the standards in Article 21 by providing 100% year-round opacity. This shall require the use of mixed evergreens and deciduous plant materials to obtain this goal. In part, the buffer is to provide a means to reduce noise levels from barking dogs, which is considered a nuisance within Jersey Township.~~

Section 4.20.F.03 Indoor Kennels

~~Indoor kennels with access to outdoor runs shall have solid doors between the indoor and outdoor areas that are closed between the hours of 8:00 p.m. and 8:00 a.m. and all other non-business hours. All kennels shall be contained within the principal structure and shall be separated from the exterior of the building by a solid wall and door. The purpose for this requirement is to reduce noise levels from barking dogs, which is considered a nuisance within Jersey Township.~~

Section 4.20.F.04 Outdoor Kennels

~~Outdoor kennels are prohibited. The purpose for this requirement is to reduce noise levels from barking dogs, which is considered a nuisance within Jersey Township.~~

Section 4.20.F.05 Outdoor runs

- ~~All outdoor runs shall be closed between the hours of 8:00 p.m. and 8:00 a.m. and all other non-business hours. All animals shall be housed inside the principal structure during these hours. The purpose for this requirement is to reduce noise~~

~~levels from the barking dogs, which is considered a nuisance within Jersey Township~~

- ~~• All outdoor runs shall be separated by a solid eight (8) foot wall, so as an animal in one outdoor run does not see an animal in another. The purpose of this is to reduce the tendency of animals to bark or fight with other animals in adjoining runs, and to reduce noise levels from barking dogs, which is considered a nuisance within Jersey Township.~~

~~Section 4.20.F.06 Stables and Pasture~~

~~Stables and pasture areas for large domestic animals (horses, mules, cows, buffalo, llamas, goats, sheep, and the like) shall be considered agriculture use and shall comply with the setback and buffering standards within this Section 4.20.F: Animal Shelter/Humane Society/Kennel Commercial/Kennel Agriculture Conditions unless otherwise exempt as an agriculture use as stated in Section 4.20.F.0: Applicability.~~

~~Section 4.20.F.06 Disposal of animal waste~~

~~The disposal of waste shall be in compliance with applicable State of Ohio Laws. No such waste shall be detectable by odor or visually seen from any adjoining lot of record. Proper measures shall be taken to ensure such waste does not affect any well water of adjoining lots of record and any surface water (i.e. streams, ponds, lakes, drainage channels, etc.)~~

~~Section 4.20.F.07 Disposal of deceased animals from Animal Shelter, Humane Society, Kennel Commercial and Kennel Agriculture~~

~~The disposal of animal carcass from any Animal Shelter, Human Society, Kennel Commercial or Kennel Agriculture within Jersey Township shall be strictly prohibited. This shall include burial, incineration, decomposition, etc. Any and all deceased animals shall be buried, incinerated, or otherwise destroyed in a facility specifically approved and licensed for such use in accordance with State of Ohio and local laws. Prior to issuing a Conditional Use Permit, the Zoning Inspector may require documentation of compliance with any applicable State of Ohio Law and local laws. This may be in the form of a permit or letter from the regulating agency.~~

~~THIS SUBSECTION IS A CONDITION FOR ANIMAL SHELTER, HUMANE SOCIETY, KENNEL COMMERCIAL AND KENNEL AGRICULTURE WHEN SUCH LAND USE IS SUBJECT TO TOWNSHIP ZONING. THIS SUBSECTION IN NO WAY APPLIES TO AL OT OWNER OF A SINGLE FAMILY HOME WHO WANTS TO BURY A DECEASED FAMILY PET IN THE YARD OR AN AGRICULTURE LAND USE OTHERWISE EXEMPT THAT MAY NEED TO BURY DECEASED LIVESTOCK ON OCCASION. THE PURPOSE IS TO PREVENT THE ADVERSE AFFECTS OF LARGE VALUES OF DECEASED ANIMALS THAT ARE NOT PROPERLY DISPOSED OF.~~

~~Section 4.20.F.08 Perimeter fencing~~

~~A six (6) foot tall perimeter fence shall be constructed to prevent any animal being picked up or dropped off that may get away from its handler from escaping the premises, running out onto the public roadway, or onto adjoining properties. Said fence shall be constructed of solid durable materials. Chain link fence with materials woven into the fencing are not permitted. The Board of Zoning Appeals may determine the area for the perimeter fencing based upon the area of use. Said perimeter fencing shall encompass all parking and loading areas, areas between~~

~~structures, outdoor runs, and other areas where animals may be outside, either restrained or unrestrained.~~

Section 4.20.F.09 Parking

~~All parking, pickup and drop-off areas shall be at the rear of the structure.~~

~~All parking, pickup and drop-off areas shall have a solid durable surface such as pavement, concrete, concrete pavers, paving bricks, and the like. Gravel and compacted sand shall not be construed as a solid durable surface. The use of porous pavement and other "green" parking lots may be considered provided their nature and construction will not contribute to dust.~~

~~The number of parking spaces for an animal shelter, human society or kennel shall equal one space for each individual employed and one space for every 200 square feet of floor area, excluding areas designated for kennel use only.~~

Section 4.20.F.10 Lighting

~~All parking areas and entrances shall be adequately lit by fully shielded lighting fixtures (see below for example). Said lighting shall be turned off within thirty (30) minutes of closing. Security lighting may be used after hours provided that said lighting makes use of fully shielded fixtures and does not create any glare onto any horizontal or vertical plane on any adjoining lot of record. Lighting shall be considered security lighting when said lighting is intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an entrance to a structure.~~

~~Figure 4.A How to Recognize a Fully Shielded Fixture~~



Unshielded Fixture



Fully-Shielded Fixture

Section 4.21 Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 2.10: Penalties for Violation of this resolution.

Section 4.22 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Section 4.189: Contents of Application for Conditional Use Permit, the Board shall hold a public hearing.

The notice of public hearing containing such information as required under the provision of Ohio Revised Code §519.15 must be met. publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in

~~Section 4.14—Public Hearing by the Board of Zoning Appeals through 4.16—Notice to Parties in Interest.~~

Section 4.23 Action by the Board of Zoning Appeals

Within 30 days after the public hearing required in Section 4.2~~3~~²: Procedure for Hearing, Notice, the Board shall either approve, approve with supplementary conditions as specified in Section 4.2~~1~~² – Supplementary Conditions and Safeguards, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit listing the conditions specified by the Board for approval. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 4.0~~8~~⁹ – Appeals.

Section 4.24 Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use and said permit shall run with the land. However, a conditional use shall automatically expire if, for any reason, the conditional use shall cease for more than one year.

Article 4: Administration; Amended by the Board of Trustees, Jersey Township, Licking County, Ohio; Resolution # April 29, 2013, Effective May 29, 2013.

Jersey Township Zoning Resolution
Adopted April 29, 2013 – Effective Date May 29, 2013