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# MONROE TOWNSHIP

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ZONING RESOLUTION

DECEMBER 17, 2024  
MONROE TOWNSHIP  
7621 JOHNSTOWN ALEXANDRIA RD

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## **PREAMBLE**

A Resolution of the Township of Monroe, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, of the Ohio Revised Code, dividing the unincorporated portion of the township into zones and districts, encouraging regulating and restricting therein the location, construction, 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 or any amendment thereto, all for the purpose of protecting the public health, safety, comfort, and general welfare; and for the repeal thereof.

Therefore, be it resolved by the Board of Township Trustees of Monroe Township, Licking County, State of Ohio.

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# Monroe Township Zoning Resolution Article 1

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## INTRODUCTION

### **Section 1.0 Title**

This Resolution shall be known and may be cited to as the "Monroe Township, Licking County, Ohio, Zoning Resolution."

### **Section 1.1 Provisions Declared Minimum Requirements**

In their interpretation and application, the provision of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this Resolution conflict with the requirements or any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

### **Section 1.2 Severability Clause**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part to be declared to be unconstitutional or invalid. If any provision of this Article or application thereof to any person or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions, or application thereof, of this Resolution which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Resolution are declared to be severable.

### **Section 1.3 Repeal of Conflicting Resolution, Effective Date**

All resolutions or parts of resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

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# Monroe Township Zoning Resolution

## Article 2

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### DEFINITIONS

#### Section 2.0 Interpretation of Terms and Words

For the purpose of this Resolution, certain terms of words used herein shall be interpreted as follows:

1. The word 'person' includes firm, association, organization, partnership, trust, company or corporation as well as individual.
2. The present tense includes the future tense; the singular number includes the plural and the plural number includes the singular.
3. The word "shall" be a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is preferred requirements.
4. The words "used" or "occupied" include words "intended, designed, arranged to be used or occupied."
5. Any term not defined herein shall be deemed defined as set forth in the Ohio Revised Code.

Accessory Building: A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

Adult Entertainment Facilities: See Section 17.32.

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

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

Alley: See Thoroughfare.

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

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

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

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

Basement: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

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

Board: The Monroe Township Board of Zoning Appeals may also be referred to as the “BZA.”

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

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the height between eaves and ridge of gable, hip, and gambrel roofs.

Building Line: See Setback Line.

Business: Includes all enterprises, except agriculture, conducted for gain, profit, or income, and extends to personal service occupations.

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

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks and conduct continuously or periodically flowing water.

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## Monroe Township Zoning Resolution Article 2

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Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room nor kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person or organizations of persons primarily for the exclusive use of members and their guests.

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

Commission: The Monroe Township Zoning Commission.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of Licking County showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the BZA. Conditional uses permitted in each district are listed in the Official Schedule and District Regulations.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the BZA to allow a use other than a principally permitted use within the district.

Corner Lot: See Lot Types.

Cul-de-Sac: See Thoroughfare.

Dead-End Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

1. Gross Density: The number of dwelling units per acre of the total land to be developed.
2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Manufactured Home: A dwelling that is fabricated and or constructed in an off-site facility and which is constructed to Federal Law (42 U.S.C.A. 5401).

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## Monroe Township Zoning Resolution Article 2

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Dwelling, Multi-Family: A dwelling consisting of two (2) or more dwelling units including condominiums and townhouses with varying arrangements of entrances and parting walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

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

Dwelling, Two-Family: A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

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

Easements: Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

Erosion: Erosion is defined as follows:

1. The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.
2. Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.
3. Erosion Includes:
  - a. Accelerated Erosion: Erosion much more rapid than the normal, natural, or geological erosion, primarily as a result of the influence of the activities of man.
  - b. Flood Plain Erosion: Abrading and wearing away of the nearly level land situated on either side of a channel due to overflowing flooding.
  - c. Gully Erosion: The erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
  - d. Natural Erosion (Geological Erosion): Wearing away of the earth's surface by water, ice, or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
  - e. Normal Erosion: The gradual erosion of land used by man which does not greatly exceed natural erosion.



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- f. Rill Erosion: An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
- g. Sheet Erosion: The removal of a fairly uniform layer of soil from the land surface by wind or runoff water.

Essential Services: 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 reasonable 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.

Family: One (1) 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 four (4) unrelated persons.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adopted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves, and watershed projects.

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred, or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Non-Residential Building (To Be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the interior faces of the exterior walls.

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Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garage, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one (1) space is rented for parking to person not a resident of the premises.
2. No more than one (1) commercial vehicle permitted.

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

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

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

Uses permissible at a service station garage do not include major or mechanical and body work, straightening of body parts, painting, welding, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A service station is not a repair garage nor a body shop.

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Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not to exceed four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a require front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
6. A conditional use permit for a home occupation has been obtained in those districts where a home occupation is not a permitted use.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Impound Yard: A place where disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar station, public garage, junk yard, salvage yard or wreckers' yard.

Institution: Building and/or land designed to aid individuals, in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

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Junk Motor Vehicle: Junk motor vehicle means any motor vehicle which:

- a. Does not have a current valid license plate or registration;
- b. Is extensively damaged, such damage including but not limited to, any of the following: missing wheels, tires, motor, transmission, or body panels; or
- c. Is apparently inoperable; or
- d. Is present on such premises for a use other than primarily as a motor vehicle to be operated on public highways.

Junkyard: An establishment or place of business, which is maintained or operated for the purposes of storing, keeping, buying or selling junk, which includes old or scrap copper, brass, rope, rages, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials.

Kennel: Any structure or premises on which five (5) or more dogs over four (4) months of age are kept for commercial purposes.

Licking County Planning Commission: Referred to as “LCPC.”

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

Location Map: See Vicinity Map.

Lot: For the purpose of this Resolution, a “lot” is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portion of lots of record, or of portions of lots of record.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

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Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

Lot Measurements: A lot shall be measured as follows:

1. Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rearmost of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot measured at the building setback line.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. Corner Lots: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot: A lot with only no frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

Major Thoroughfare Plan: A portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

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Manufactured Home: A building unit or assembly of close construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards

Manufactured Home Park: Any site, or tract of land under single ownership, upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Heavy: Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; requiring large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Mobile Food Concession: This includes a mobile food service operation or a mobile retail food establishment which is described in the Ohio Uniform Food Safety Code that is operated from a movable vehicle, portable structure or watercraft that routinely changes locations meaning not on the same parcel of land, except that if the operation remains at any one (1) location for more than forty (40) consecutive days, the operation is no longer a mobile food operation. “Mobile food service operation” includes a food service operation that does not remain at any one (1) location for more than forty (40) consecutive days and serves, in a manner consistent with division (F) of section 3717.01 of the Revised Code.

Mobile Home: A portable dwelling designed to be transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling and connection operations, but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway.

Nonconformities: A building, structure, or use of land existing at the time of enactment of this Resolution, which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

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

Open Space: An area substantially opens 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, and any other recreational facilities that the Zoning Inspector deems permissive. Streets, parking areas, structure for habitation, and the like shall not be included.

Parcel: A piece of land created by partition, subdivision, deed or other instrument recorded with the appropriate recorder and is described by metes and bounds, the description of which has been likewise recorded.

Parking Space, Off-Street: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with property-related access to a public street or alley and maneuvering room but shall be located totally outside of aa street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a sub-divider or developer with the county and/or township 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.

Personal Service: Any enterprise conducted for gain which primarily offers services to the general public.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this Resolution. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Portable Storage Unit: Any portable open or in-closed structure intended to temporarily and or permanently store any items including but not limited to personal items, building materials, trash, and junk. Portable Storage Unit also includes structures referred to as storage containers, shipping containers, PODS, box trailers, and trash dumpsters larger than 25 Cubic Feet in size.

Principal Building: A building in which is constructed as the main or principal use of the lot on which said building is situated.

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Nuisance: Includes the following:

1. The physical condition or use of any premises regarded as a public nuisance at common law.
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
3. Any premises designated as unsafe for human habitation or use.
4. Any premises which have unsanitary sewerage or plumbing facilities.
5. Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or unsecure as to endanger life, limb, or property.
6. Any premises from which the plumbing, heating, and/or facilities required by this code or the county building code have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds.
8. Any structure or building that is in a state of dilapidation, deterioration or decay; is faulty construction; is open, vacant or abandoned; is damaged by fire to the extent as not provide shelter; is in danger of collapse or failure and is dangerous to anyone on or near the premises.
9. Any building, structure, use, or other condition upon a property that is in violation of this Resolution.

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

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

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or bicycle path, or easements in which the general public or a public entity has a right of use, or which are dedicated, whether improved or not.



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Quasipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Recreation Camp: An area of land on which two (2) or more travel trailer, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

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

Research Activities: All research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Right-Of-Way: 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.

Roadside Stand: A temporary structure designed or used for the display or sale of agriculture and related products.

Salvage: Any article or material that is to be or intended to be reclaimed or saved from destruction.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products, which can be returned to a condition in which they may again be used for production.

Satellite Dish Antennas: See Section 17.31

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## Monroe Township Zoning Resolution Article 2

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Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Setback Line: A line established by this Resolution generally parallel with and measured from the lot line, deeming the limits of a yard in which no building; other than an accessory building or structure may be located above ground, except as otherwise provided herein. Also known as the required Yard.

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

Sewers, on-site: 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.

Sidewalks: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: A sign is any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity. The effective use of signs is to a means of communication in the township; to maintain and enhance the aesthetic environment and the township's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to provide for public health and safety by minimizing the possible adverse effects (including but not limited to the obstruction of sight distance to motorists entering and exiting a roadway and distracting motorists of signs on nearby public and private property; to control litter; to maintain property values; to maintain character of the community; and to enable the fair and consistent enforcement of Monroe Townships sign regulations).

Sign, Abandoned: A sign or sign structure on a site where all buildings have been demolished or removed, and/or any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed, and/or for which no legal owner can be found.

Sign, Alteration: Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

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## Monroe Township Zoning Resolution Article 2

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Sign, Animated or Moving: Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, and/or other automated methods, results in the movement, the appearance of movement, or change of sign image or text, and/or changes the physical position of any sign or part of that sign.

Sign, Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Sign, Banner: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind, with only such material for backing.

Sign, Billboard: A board, panel, or tablet used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, animated/non-animated, electronic/non-electronic, that directs attention to goods, merchandise, entertainment, or other services offered elsewhere than the premise on which the sign is located.

Sign, Construction/Development: A temporary sign providing information about future development or current construction on a site and the parties involved in the project.

Sign, Directional: Any on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one-way signs.

Sign, Electronic: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Entry Feature: A permanent on-premises sign identifying a vehicular entrance to a residential subdivision, residential complex, or institution.

Sign Face: The part of the sign that is or can be used to identify, advertise, or communicate information, or for visual representation that attracts the attention of the public for any purpose. The frame or structural members may be considered a part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Sign, Flashing: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not include public message/warning signs using electronic switching, such as crosswalk signs.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

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## Monroe Township Zoning Resolution Article 2

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Sign, Fuel Island Canopy: Means a sign attached to or part of a fuel island canopy.

Sign, Graphics: Any drawing, symbol, picture, motif or logo displayed on a sign face.

Sign, Home Occupation: A sign containing only the name and occupation of a permitted home occupation.

Sign, Illuminated: A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within this sign, including, but not limited to, neon and exposed lamp signs, or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

Sign, Inflatable: Any sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. Untethered airships are not considered to be inflatable signs.

Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign Mobile: A sign attached to, mounted, pasted, painted or drawn on any vehicle, whether motorized or maintained at one particular location, for the express purpose and intent of promotion or conveying an advertising message.

Sign, Nameplate: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Neon: A sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Such tubes are bent to form letters, symbols or other shapes to convey an advertising message.

Sign, Nonconforming: A sign lawfully erected and maintained prior to the adopting of this Resolution that does not conform with the requirements of this Resolution.

Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. An off-premises sign directs attention to a business, profession, commodity, or service offered on a property other than that on which the sign is located. Said “off-premises” distinction is inapplicable to noncommercial messages.

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## Monroe Township Zoning Resolution Article 2

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Sign, On-Premises: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located. An on-premises sign directs attention to a business, profession, commodity, or service offered on the property on which the sign is located. Said “on-premises” distinction is inapplicable to noncommercial messages.

Sign, Official/Government: A sign erected by a governmental agency or its designee, setting forth information pursuant to law.

Sign, Off-Premise Outdoor Advertising: A sign, including the supporting sign structure, that is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; such signs include but are not limited to billboards.

Sign, Permanent: A sign attached to a building, structure, or the ground in some manner that requires a permit and is made of durable materials intended for long-term use.

Sign, Pole: A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, Portable: A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure. Including but not limited to the following:

1. Trailer signs.
2. Signs mounted on a wheel carrier or other non-motorized wheeled carrier.
3. Menu and sandwich board signs.
4. Hot air or gas-filled balloons.
5. Umbrellas.
6. Signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way (excluding signs identifying the related business when the vehicle is being used in the normal day-to-day operation of that business for deliveries, or transportation of employees of said business for business purposes and during business hours).

Sign, Projecting: Any sign which projects from the exterior of a building.

Sign, Real Estate: A sign that advertises the sale or lease of the property upon which the sign is located.

Sign, Roof Mounted: An off-premises sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

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## Monroe Township Zoning Resolution Article 2

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Sign, Seasonal Event: A use whose operation is dependent on the climactic conditions of a particular season, and operates longer than (1) one day but not longer than four (4) weeks out of the calendar year annually. Such event is intended to or likely to attract substantial crowds, and is unlike the customary or usual activities generally associated with the property where the seasonal event is to be located. Such events include Christmas tree sales and agriculture entertainment.

Sign, Setback: The minimum distance required between any property line and/or public right-of-way line and any portion of a sign or sign structure.

Sign, Special Event: Any sign erected for the purpose of announcing a special event or function that is of general interest to the community.

Sign Structure: The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, v-type or otherwise.

Sign, Vehicle: A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

Sign, Wall: An on-premise sign attached to the wall of a building or structure.

Solar Panels: A solar photo-voltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat, shall comply with the following restrictions.

Stable, Commercial: A stable for horses, donkeys, mules, or ponies, which are let, hired, used, or boarded on a commercial basis and for compensation.

Stable, Private: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire, or sale.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, decks, and porches (with or without covers).

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## Monroe Township Zoning Resolution Article 2

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Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pools: A pool, pond, lake, or open tank containing water maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by guests of a single household, a multi-family development, or community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission, a primary use.

Tent: A collapsible shelter of canvas or other material, stretched and or sustained by poles and used for camping outdoors or as a temporary building.

Thoroughfare, Street, or Road: A full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac: A local street of relatively short length with one end open to the traffic and the other end terminating in a vehicular turnaround.
5. Dead-End Street: A street having only one outlet for vehicular traffic.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

Through Lot: See Lot Types.

Transportation, Director: The Director of the Ohio Department of Transportation.

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

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## Monroe Township Zoning Resolution Article 2

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Variance: A variance is a modification of the strict terms of the relevant regulations authorized by the BZA in specific cases where such modification will not be contrary to the public interest and where a literal or strict enforcement of the provisions of this Resolution would result in practical difficulties.

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

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: 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 ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning, Inspector: The Zoning Inspector of the township, or his/her authorized representative.

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

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



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## **Monroe Township Zoning Resolution Article 3**

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### **ENFORCEMENT**

#### **Section 3.0 Zoning Permits Required**

No building or other structure shall be erected, moved, added to structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the BZA deciding an appeal, or permitting a conditional use or variance, as provided by this Resolution.

#### **Section 3.1 Content of Application for Zoning Permit**

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

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed with eighteen (18) months. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicants.
2. Legal description of property
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans, one (1) set, drawn to scale, showing the actual dimensions and the shape of the lot to build upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matter as may be necessary to determine conformance with and provide for the enforcement of this Resolution.
11. Zoning permit application for uses to be located in the Flood Plain Overlay District must submit a copy of the approved flood plain development permit from the Licking County Flood Plain Administrator.

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## **Monroe Township Zoning Resolution Article 3**

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### **Section 3.2 Approval of Zoning Permit**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be made conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be retained by the Zoning Inspector.

### **Section 3.3 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerlines 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 Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

### **Section 3.4 Expiration of Zoning/Building Permit**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and 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 canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **Section 3.5 Record of Zoning Permits**

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

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## **Monroe Township Zoning Resolution Article 3**

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### **Section 3.6 Failure to Obtain a Zoning Permit or Certificate of Occupancy**

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 3.9 of this Resolution.

### **Section 3.7 Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates**

Zoning permits 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 and amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 3.9 of this Resolution.

### **Section 3.8 Complaints Regarding Violations**

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, investigate, and take action thereon as provided by this Resolution.

### **Section 3.9 Penalties for Violation**

Violators of the provisions of this Resolution or those who fail to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Resolution or failure to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than thirty (30) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to actions for injunctive or other appropriate relief to prevent, enjoin, abate, or remove such violation.

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## **Monroe Township Zoning Resolution Article 3**

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### **Section 3.10 Section of Fees, Charges, and Expenses**

The Board of Township Trustees shall by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, building permits, sign permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal. If a required permit is not obtained prior to beginning construction of the building, structure or sign, the fee and cost for obtaining such permit after construction has begun shall be one and half (1 ½) times the regular fee of the permit.

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## **Monroe Township Zoning Resolution Article 4**

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### **NONCONFORMITIES**

#### **Section 4.0 Intent**

Within the districts established by this Resolution or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolutions or future amendments. It is the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **Section 4.1 Incompatibility of Nonconformities**

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

#### **Section 4.2 Avoidance of Undue Hardship**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

#### **Section 4.3 Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and/or customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding, limitations imposed by other provisions of this Resolution, if the erection of such dwelling or building was lawful before the effective date of this Resolution, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area of width, or both, and the lot shall conform to the regulations for the district in which such lot is located, if such lot would have been deemed permitted under the prior version of the Resolution.

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## **Monroe Township Zoning Resolution**

### **Article 4**

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Variations of requirements listed in Articles 8 and 9 of this Resolution other than lot area or lot width shall be obtained only through action of the BZA as provided in Section 5.8 and 5.18. This provision is only applicable if the Resolution as adopted or amended results in stricter regulations on lot size, width or road frontage that would result in a previously conforming lot becoming nonconforming.

#### **Section 4.4 Nonconforming Lots of Record in Combination**

If two (2) or more lots or a combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots with no building do not meet the requirements established for lot width and area, the lands involved shall be considered to be undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

#### **Section 4.5 Nonconforming Use of Land**

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the new or amended regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this Resolution.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
3. If any such nonconforming uses of land are discontinued or abandoned for more than twelve (12) months, (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this Resolution of the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

#### **Section 4.6 Nonconforming Structure**

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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## Monroe Township Zoning Resolution

### Article 4

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1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease in nonconformity, provided that all such alternations are in accordance with this Resolution or changes are reviewed by the BZA.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. Replacing the structure that has been moved with another nonconforming structure shall be prohibited unless approved by the BZA in accordance with this Resolution.

#### **Section 4.7 Nonconforming Uses of Structure or of Structures and Land in Combination**

If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon approval by the BZA, be changed to the more restrictive nonconforming use provided that the BZA shall find that the proposed use is more appropriate to the district than the existing nonconforming use, that the proposed use will not have a greater impact on the neighborhood, and that it will not prolong the natural life of a nonconforming use (i.e., costly improvements are indicators that the natural life of the nonconforming use will be extended). In permitting such change, the BZA may require appropriate conditions and safeguards in accord with other provisions of this Resolution and any or all of the following:
  - a. The nonconforming structure or use shall not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located.
  - b. The nonconforming structure or use shall not contribute substantially to increasing congestion of streets or create a traffic hazard.
  - c. The proper number of parking and loading spaces as required by this Resolution is provided for the use or structure to the maximum extent possible.

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## **Monroe Township Zoning Resolution Article 4**

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### **Section 4.8 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **Section 4.9 Uses Under Conforming Use Provisions Deemed Conforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.



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## **Monroe Township Zoning Resolution Article 5**

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### **ADMINISTRATION**

#### **Section 5.0 Office of Zoning Inspector Created**

A zoning inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with the assistance of such other person as the Board of Township Trustees may direct. The Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519. 161 of the Ohio Revised Code.

#### **Section 5.1 Duties of Zoning Inspector**

For the 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 he/she shall notify, in writing, via ordinary mail and certified mail, the person responsible for such violation(s), ordering the actions necessary to correct such violation, including but not limited to:
  - a. Order discontinuance of illegal uses of land, buildings, or structures.
  - b. Order removal of illegal buildings or structures or illegal additions or structural alterations.
  - c. Order discontinuance of any illegal work being done.
2. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include review of the applications, issuance or denial of zoning/building permits and such similar administrative duties as are permissible under the law.
3. The Zoning Inspector shall have the right to inspect all property in the township, subject to restrictions imposed by law.
4. Referral of violations to the Licking county Prosecuting Attorney's office, or to special counsel for legal action is directed by the Board of Township Trustees.

#### **Section 5.2 Proceedings of Zoning Commission**

The Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meeting shall be held at the call of the Chairman and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning 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 Zoning Commission.

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## **Monroe Township Zoning Resolution Article 5**

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### **Section 5.3 Duties of the Zoning Commission**

For the Purpose of this Resolution, the Zoning Commission shall have the following duties:

1. Initiate proposed amendments to this Resolution.
2. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in Section 6.
3. Review all planned unit developments and make recommendations to the Board of Township Trustees.

### **Section 5.4 Board of Zoning Appeals Created**

A BZA shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years. Each member shall be a resident of the township. Members of the BZA may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees of the unexpired term of the member affected. The Board of Township Trustees may appoint two (2) alternate members for the BZA, who shall be permitted to participate and vote at a public meeting in lieu of an absent regular board member. The Board of Township Trustee shall appoint one of the five (5) members to also serve as Clerk for the BZA, which Clerk shall be responsible for the keeping of the minutes of the public meetings.

### **Section 5.5 Proceeding of the Board of Zoning Appeals**

The BZA shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, or in his absence, the acting Chairman, and at such other times as the BZA may determine. The Chairman or, in his or her absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The BZA shall keep minutes 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 of which shall be a public record and immediately filed in the office of the BZA.

### **Section 5.6 Duties of the Board of Zoning Appeals**

In exercising its duties, the BZA 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. The concurring vote of three (3) members of the BZA 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

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## **Monroe Township Zoning Resolution Article 5**

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any variation in the application of this Resolution. For the purpose of this Resolution the BZA has the following specified 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 hear and decide to grant or deny applications for zoning variances. Variances from the terms of this Resolution shall be granted only where the property owner shows that the application of a zoning requirement to the property owner's property is inequitable, causing the property owner practical difficulties in the use of the property. The factors to be considered and weighed by the BZA in determining whether a property owner has encountered practical difficulties in the use of property include, but are not limited to:
  - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
  - b. Whether the variance is substantial.
  - c. 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.
  - d. Whether the variance would adversely affect the delivery of governmental services such as water, sanitary sewer or garbage removal.
  - e. Whether the property owner purchased the property with knowledge of the zoning restriction.
  - f. Whether the zoning restriction was in place when the property owner purchased the property.
  - g. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  - h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
3. To hear and decide to grant or deny applications for conditional use permits as specified in this Resolution, and under the conditions specified in the Articles 9 through 17 and such additional safeguards as will uphold the intent of this Resolution.

### **Section 5.7 Duties of Zoning Inspector, BZA, Legislative Authority, and Courts on Matters of 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 BZA only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the BZA shall be to the Court of Common Pleas, or other court as provided by law.

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## **Monroe Township Zoning Resolution Article 5**

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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 question 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 adoption or rejection of proposed amendments or the repeal of this Resolution as provided by law and establishing a schedule of fees and charges as stated in Section 3.12 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the township from appealing a decision of the BZA to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the BZA's written decision and subsequent approval of the minutes and notification of the BZA's decision.

### **Section 5.8 Procedures and Requirements and Appeal and Variances**

Appeals and variances shall conform to the procedures and requirements of Sections 5.9 through 5.18, inclusive, of this Resolution. As specified in Section 5.6, the BZA has appellate jurisdiction relative to appeals conditional use permits and variances.

### **Section 5.9 Appeals**

Appeals to the BZA 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 twenty (20) calendar days after the date of the written decision by, filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the BZA all the paper constituting the record upon which the action appeal was taken.

### **Section 5.10 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 BZA after the notice of appeal is filed with him that, by reason of facts stated in the application, a stay would, in his/her 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 BZA or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown. Such certification to the BZA by the Zoning Inspector shall be in writing.

### **Section 5.11 Variance**

See Section 2 of this Resolution for the definition of the Variance.

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## Monroe Township Zoning Resolution Article 5

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### Section 5.12 Application and Standards for Variances

A variance from the terms of this Resolution shall not be granted by the BZA unless and until a written application for a variance is submitted by the owner or lessee to the Zoning Inspector and the BZA containing:

1. Name, address, and phone number of applicant(s) and property owner(s);
2. Legal description of property (metes and bounds);
3. Description of the nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the factors and standards set forth below.

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 his property include, but are not limited to:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
  - b. Whether the variance is substantial
  - c. 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.
  - d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
  - e. Whether the property owner purchased the property with knowledge of the zoning restriction
  - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance
  - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
5. If the applicant is seeking a variance for a reduction of lot size, lot width, or road frontage in order to proceed with a lot split, the applicant must submit an official survey showing the current lot size, lot width, road frontage, and names of all adjoining property owners.
  6. A list of all property owners and their mailing addresses who are within, adjacent, contiguous to, or directly across the street from the parcel(s) that is the subject of said variance, and others that may have a substantial interest in the case.

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## **Monroe Township Zoning Resolution Article 5**

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A variance shall not be granted unless the BZA makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection four of this section have been met by the applicant.

The Clerk of the BZA is authorized to receive an application for zoning variance on behalf of the BZA. If an application for zoning variance is incomplete and does not include all of the information and documentation set forth in Subsection 4 when submitted to the Zoning Inspector and/or the BZA, the applicant shall be notified that the application is incomplete and shall be provided seven (7) calendar days to cure said deficiencies. In the event that the applicant fails to cure the deficiencies, the application shall be rejected by the BZA and returned to the applicant. The forty-five (45) calendar days to hold the public hearing set forth in Section 5.14 shall not begin to run until a completed application has been received by the BZA.

### **Section 5.13 Supplementary Conditions and Safeguards**

Under no circumstances shall the BZA 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 or conditional use, the BZA may prescribe appropriate conditions and safeguards at the BZA's discretion. 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 grounds for revocation of variance and punishable under Section 3.10 of this Resolution. The BZA has authority to revoke the variance upon notification from the Zoning Inspector that a notice of violation has been issued to the property owner and/or applicant of record. The BZA shall send written notice of the revocation to the property owner and/or applicant of record. Said revocation shall be effective upon seven (7) calendar days after the date of the written notice.

### **Section 5.14 Public Hearing by the Board of Zoning Appeals**

The BZA shall hold a public hearing within forty-five (45) calendar days after the receipt of a completed application for an appeal or variance from the Zoning Inspector or an applicant. In the event the applicant fails to appear at the public hearing, the BZA, in its sole discretion, may table the matter and reschedule the public hearing or proceed with a vote on the application. The BZA may agree, in its sole discretion to an applicant's request to schedule the public hearing more than forty-five (45) calendar days after receipt of the completed application upon special circumstances.

### **Section 5.15 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 5.14, notice of such hearing shall be given in one or more newspapers of general circulation in the township at least ten (10) calendar days before the date of said hearing, and the nature of the proposed appeal or variance.

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## **Monroe Township Zoning Resolution Article 5**

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### **Section 5.16 Notice to Parties of Interest**

Before holding the public hearing required in Section 5.14, written notice of such hearing shall be mailed by the Chairman of the BZA, or by the Clerk on behalf of the Chairman, by first class mail, at least ten (10) calendar days before the day of the hearing to all property owner contiguous to or directly across the street from the parcel(s) at issue. The notice shall consist of the same information as required for notices published in newspapers as specified in Section 5.15.

### **Section 5.17 Action by Board of Zoning Appeals**

Within forty-five (45) calendar days after the public hearing required in Section 5.14 the BZA shall either approve, approve with supplementary conditions as specified in Section 5.13, or disapprove the request for appeal or variance. Appeal from BZA decisions shall be made to the Court of Common Pleas in the manner specified in Section 5.7. In making its ruling, the BZA shall not deprive the landowner of all reasonable uses of his/her land.

### **Section 5.18 Procedure and Requirements for Approval of Conditional Use Permits**

Conditional uses shall conform to the procedures and requirements of Sections 5.19 through 5.26, inclusive, of this Resolution.

### **Section 5.19 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 this Resolution, shall follow the procedures and requirements set forth in Section 5.19 through 5.26, inclusive.

### **Section 5.20 Contents of Application for Conditional use Permit**

An application for conditional use permit shall be filed with the Chairman of the BZA, or the Clerk on behalf of the Chairman of the BZA, by at least one (1) owner or lessee of 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(s) and property owner(s).
2. Legal description of property (metes and bounds).
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.

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## Monroe Township Zoning Resolution Article 5

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6. A plan of the proposed site for the conditional use showing the location of all building, 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 BZA may require in order to determine if the proposed conditional use meets the intent and requirement of this Resolution.
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. Such other information as may be required in Section 5.22
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) that have applied for the conditional use permit, and others that may have a substantial interest in the case.

The Clerk of the BZA is authorized to receive an application for conditional use permit on behalf of the BZA. If an application for conditional use permit is incomplete and does not include all of the information and documentation set forth in this subsection when submitted to the Zoning Inspector and/or the BZA, the applicant shall be notified that the application is incomplete and shall be provided seven (7) calendar days to cure said deficiencies. In the event that the applicant fails to cure the deficiencies, the application, shall be rejected by the BZA and returned to the applicant. The forty-five (45) calendar days to hold the public hearing set forth in Section 5.24 (and Section 5.14) shall not begin to run until a completed application has been received by the BZA.

### **Section 5.21 General Standards Applicable to All Conditional Uses**

In addition to the specific requirement for conditionally permitted uses as specified in Section 5.22, the BZA 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 zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Monroe Township's comprehensive plan and/or this Resolution.
3. Will be designated, 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 person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.



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## Monroe Township Zoning Resolution Article 5

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6. Will not create excessive additional requirements at public cost of 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.

### **Section 5.22 Specific Criteria for Conditional Uses**

The following is a list of specific requirements for conditionally permitted uses as specified in this Resolution and shall be considered by the BZA in acting upon the conditional use application.

1. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
2. Loudspeakers which cause a hazard or annoyance shall not be permitted.
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of the two arterial thoroughfares or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.
5. Lighting shall not constitute a nuisance nor in any way impair safe movement or traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
6. Structures should have primary access to a collector thoroughfare.
7. Such development should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
11. Such structures should be located adjacent to parks and other non-residential uses such as school and shopping facilities where use could be made of joint parking facilities.
12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, and any individual or to the community in general.
13. The area of use shall be completely enclosed by a six-foot fence and appropriately landscaped to be harmonious with surrounding properties.

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## Monroe Township Zoning Resolution Article 5

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14. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
15. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
16. Such developments should be located on or immediately adjacent to state highways.
17. Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structures used for human occupancy in any other district.
18. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, road, and natural features.
19. 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.
20. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM, unless another time for operation is set forth as a condition by the BZA in the approval of such application.
21. All equipment and machinery shall be operated and maintained in such a way 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.
22. There shall be filed with the BZA 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 no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
23. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and noncombustible solids, to secure:
  - a. That the excavated area shall not collect or permit to remain therein stagnant water.
  - 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 be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
24. There shall be filed with the Board of Township Trustees a bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

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## **Monroe Township Zoning Resolution Article 5**

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### **Section 5.23 Supplementary Conditions and Safeguards**

In granting any conditional use, the BZA may prescribe appropriate conditions and safeguards in the BZA's discretion. 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 3.10 of this Resolution. The BZA has authority to revoke the conditional use permit upon notification from the Zoning Inspector that a notice of violation has been issued to the property owner and/or applicant of record. The BZA shall send written notice of the revocation to the property owner and/or applicant of record. Said revocation shall be effective seven (7) calendar days after the date of the written notice.

### **Section 5.24 Procedure of Hearing, Notice**

Upon receipt of the application for the conditional use permit specified in Section 5.20, the BZA shall hold a public hearing, publish a notice in the newspaper, and give written notice to all parties in interest according to the procedure specified in Sections 5.14 through 5.16. In the event the applicant fails to appear at the public hearing, the BZA in its sole discretion, may table the matter and reschedule the public hearing or proceed with a vote on the application. The BZA may agree, in its sole discretion, to an applicant's request to schedule the public hearing more than forty-five (45) calendar days after receipt of the completed application upon special circumstances.

### **Section 5.25 Action by the Board of Zoning Appeals**

Within forty-five (45) calendar days after the public hearing required in Section 5.24, the BZA shall either approve with supplementary conditions as specified in Section 5.23, or disapprove the application as presented. If the application is approved or approved with modifications, the BZA shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the BZA for approval. The Zoning Inspector shall provide a copy of said permit to the BZA and shall cause the original permit to be recorded with the Licking County Recorder. If the application is disapproved by the BZA, the applicant may seek relief through the Court of Common Pleas. Appeals from the BZA decisions shall be made in the manner specified in Section 5.17.

### **Section 5.26 Expiration/ Termination of Conditional Use Permit**

A conditional use permit is exclusive to the applicant of record and the property owner at the time such application is filed. A conditional use permit shall be deemed to authorize only one conditional use and said permit shall automatically expire: (a) upon transfer of the real property; or (b) if for any reason the conditional use shall cease for more than one (1) year.

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## **Monroe Township Zoning Resolution Article 5**

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The applicant and property owner may seek approval from the BZA to transfer the conditional use permit to the proposed subsequent owner of the property prior to the completed sale and transfer of the property. If such prior approval is not obtained from the BZA prior to the transfer, the subsequent owner must file a new application for a conditional use permit. Such approval must be requested in writing to the BZA. Within forty-five (45) calendars of receipt of said request, the BZA shall schedule a public hearing and publish notice of the hearing in accordance with Section 5.24.

### **Section 5.27 Compliance with Conditional Use Permit / Revocation for Failure to Comply**

By submitting an application for a conditional use permit, the applicant and property owner agree they shall:

1. Strictly comply with any and all safeguards and conditions imposed by the BZA if said permit is granted.
2. File an affidavit or certification with the Zoning Inspector and the BZA that they are in compliance with the safeguards and conditions of the conditional use permit. Said affidavit or certification shall be filed annually on or before January 31<sup>st</sup> of every year after the conditional use permit is granted. Failure to file the affidavit or certification shall be automatic grounds for the BZA to revoke and/or terminate the conditional use permit.
3. Agree that the Zoning Inspector, upon reasonable notice to the property owner, can inspect the subject property to confirm compliance with the conditional use permit. Failure to provide the Zoning Inspector with access to the property after reasonable notice shall be automatic grounds for the BZA to revoke and/or terminate the conditional use permit.
4. The BZA shall send written notice of the revocation and/or termination of the conditional use permit to the property owner and/or applicant of record. Said revocation and/or termination shall be effective upon seven (7) calendar days after the date of the written notice.

### **Section 5.28 Re-Submission of Previously Denied Application for Conditional Use Permit / Variance**

Upon denial of an application for a conditional use permit or variance, submission of an identical application requesting the same conditional use permit or variance is prohibited unless there has been a substantial change in the zoning or this Resolution that would result in application of new factors or different application of the existing factors. If an application for a conditional use permit or variance seeking the same conditional use permit or variance that has already been denied, the BZA may summarily reject the application. Written notice of the rejection of the identical application shall be issued to the applicant and/or landowner.

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# Monroe Township Zoning Resolution

## Article 6

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### AMENDMENT

#### **Section 6.0 Procedure for Amendments or District Changes**

This Resolution may be amended by utilizing the procedures specified in Sections 6.1 through 6.8, inclusive of this Resolution.

#### **Section 6.1 General**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Township Trustees may, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law may amend, supplement, change or repeal the regulations, restrictions, and boundaries, or classification of property by resolution.

#### **Section 6.2 Initiation of Zoning Amendments**

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

1. By adoption of a motion by the Zoning Commission of the Township.
2. By adoption of a resolution by the Board of Township Trustees.
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### **Section 6.3 Contents of Applications**

Applications for amendments to the official zoning map adopted as part of this Resolution by Section 7.0 shall contain at least the following information:

1. Name, address and phone number of applicant(s).
2. Proposed amended Resolution.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing proposed zoning, and such other items as the Zoning Inspector may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned. Review Sections 6.8 and 6.9 determine if the list of all property owners and their mailing addresses are required.

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9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by the Board of Township Trustees according to Section 3.11.

#### **Section 6.4 Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Commission.

#### **Section 6.5 Submission to County Planning Commission**

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, 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 shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

#### **Section 6.6 Submission to Director of Transportation**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of the proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred-twenty (120) calendar days from the date the notice is received by the Director of Transportation, and he notifies the Board of Township Trustees that he shall proceed to acquire any land needed; then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon expiration of the one hundred-twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

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### **Article 6**

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#### **Section 6.7 Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) calendar days from the dates of adoption of such motion, transmittal of such resolution, or the filing of such application.

#### **Section 6.8 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 6.7, notice of time, date, and place of such hearing shall be given by the Zoning Commission by at least one publication in one (1) or more newspapers of general circulation of the township at least ten (10) days before the date of said hearing:

1. If the proposed amendment alters the text of this Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - a. The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment.
  - b. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  - c. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
  - d. The name of the person responsible for giving notice of the public hearing by publication.
  - e. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
  - f. Any other information requested by the Zoning Commission.
  
2. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county Auditor's current tax list, the published shall set forth the time, date and place of the public hearing and shall include all of the following:
  - e. The name of the Zoning Commission that will be conducting the public hearing,
  - f. A statement indicating that the motion, resolution or application is an amendment to the Zoning Resolution.

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## **Monroe Township Zoning Resolution**

### **Article 6**

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- g. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and the names of owners of these properties, as they appear on the county auditors current tax list.
- h. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of each property.
- i. The time and place where the motion, resolution or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) calendar days prior to the public hearing.
- j. The name of the person responsible for giving notice of the public hearing by publication or by mail or by both publication and mail.
- k. Any other information requested by the Zoning Commission.
- l. A statement that after the conclusion of such hearing and matter will be submitted to the Board of Township Trustees for its action.

#### **Section 6.9 Notice of Property Owner by Zoning Commission**

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 the hearing shall be mailed by the Zoning Commission, by registered mail at least twenty (20) calendar days before the date of the public hearing to all owners of property within, contiguous to and directly across from the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the county auditors current tax list or the treasurer's mailing list and to such other lists that may be specified by the Board of Township Trustees. The Notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

#### **Section 6.10 Recommendation by Zoning Commission**

Within thirty (30) calendar days after the public hearing required by Section 6.7, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested or it may recommend a modification of the amendment requested or it may recommend that the amendment be not granted.

#### **Section 6.11 Public Hearing by Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 6.8 and 6.9.



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## **Monroe Township Zoning Resolution Article 6**

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### **Section 6.12 Action by Board of Township Trustees**

Within twenty (20) Calendar days after the public hearing required by Section 6.11, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

### **Section 6.13 Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become affective thirty (30) calendar days after the date of such adoption unless within thirty (30) calendar days after the adoption of the amendment 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 plans equal to not less than eight percent (8.00%) of the total vote cast for all candidates for governor in such area at the last preceding general election in which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection at the next primary or general election.

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

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## **Monroe Township Zoning Resolution Article 7**

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### **PROVISIONS FOR OFFICIAL ZONING MAP**

#### **Section 7.0 Official Zoning Map**

The districts established in Article 7 of this Resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

#### **Section 7.1 Identification of the Zoning Map**

The official zoning map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Fiscal Officer, and shall bear the seal of the township. It shall also be dated.

#### **Section 7.2 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply.

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, these lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot line shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
4. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

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# Monroe Township Zoning Resolution

## Article 8

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### DISTRICT REGULATIONS

#### **Section 8.0 Compliance with Regulations**

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class of kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk than otherwise provided herein.
  - b. To occupy a greater percentage of lot area than otherwise provided herein.
  - c. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than otherwise provided herein.
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

#### **Section 8.1 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be “Supplementary District Regulations.”

#### **Section 8.2 Intent of District Regulations**

It is the intent of this Resolution to set forth within the district regulations the permitted uses, the conditionally permitted uses, the general requirements of the district, and other regulations as they pertain in general to each Zoning District. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 4, Article 5, and other articles of the Resolution. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district, but which are contained in this Resolution and which are applicable to each district or use shall be applied as if stated in full in district articles of this Resolution. Uses not specifically defined or stated which cannot be reasonably interpreted by the Zoning Commission as permitted or conditionally permitted in any district shall be referred to the BZA for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

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## **Monroe Township Zoning Resolution Article 8**

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### **Section 8.3 Intent**

The following zoning district articles are hereby established for the Township of Monroe, Licking County, Ohio. For the interpretation of this zoning, districts have been formulated to realize the general purposed as set forth in the preamble of this Resolution. In addition, the specified purposes of each zoning district shall be stated.

### **Section 8.4 Amendments**

Nothing in Article 9 through 16 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 519.12.

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# Monroe Township Zoning Resolution

## Article 9

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### (FP) FLOOD PLAIN OVERLAY DISTRICT

#### **Section 9.0 Purpose**

It is the purpose of this article to promote the public health, safety, general welfare, and to minimize losses resulting from periodic inundation of flood waters in Monroe Township by restricting or prohibiting uses which are dangerous to health, safety of property in times of flooding, or which may cause excessive increases in flood height or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging, and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

#### **Section 9.1 Finding of Fact**

The flood hazard areas of Monroe Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

1. The cumulative effect of obstructions in flood plains, causing increased flood heights and velocities. and
2. The occupancy of flood hazard area by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

#### **Section 9.2 Applicable Lands**

This article shall apply to all lands within the township boundaries shown on the Official Zoning Map within the boundaries of floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Map No. 390328-0025B and 390328-0100B, dated December 1, 1983.

#### **Section 9.3 Overlay District Designation**

The areas of floodway or floodway fringe identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Those areas within the Flood Plain Overlay District designated as floodway on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodway.

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## **Monroe Township Zoning Resolution Article 9**

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

### **Section 9.4 Interpretation of Boundaries**

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodway, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Rate Maps and Floodway Map No. 390329-0025B and 390329-0100B, dated December 1, 1983. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Licking County Flood Damage Regulations, and not by the Monroe Township BZA.

### **Section 9.5 Warning and Disclaimer of Responsibility**

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

### **Section 9.6 Compliance**

Unless specifically exempted as stated in Section 4.2 of the Licking County Flood Damage Prevention Regulations, no structure or land shall hereinafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable ordinances of the township and Licking County.

### **Section 9.7 Abrogation**

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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## **Monroe Township Zoning Resolution**

### **Article 9**

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#### **Section 9.8 Flood Plain Development Permit**

A flood plain development permit shall be obtained before the start of construction of development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 3.0 of this Resolution. Application for a flood plain development permit shall be made to the Licking County Planning Commission's Flood Plain Administrator, 22 North Second Street, Newark, Ohio 43055, (740) 334-6555. This permit will be applied for and be approved by the Flood Plain Administrator of the Licking County Planning Commission prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.

All structures or uses to be located in the Flood Plain Overlay District shall comply with the requirements of the Monroe Township Zoning Resolution and the Licking County Flood Damage Prevention Regulations and any amendments or revisions thereto.

#### **Section 9.9 Other Requirements**

Any building, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Licking County Flood Damage Prevention Regulation adopted by the Licking County Commissioners.

Changes to Non-Flood Plain District. Changes of district classification from FP to any other classification provided by this Resolution may be initiated in accordance with the requirements of this Resolution; provided that the applicant can show that any flood condition existing at the time the FP District was originally established does no longer exist or has been remedied to the satisfaction of the Licking County Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommendation of a change of zoning to the Township Trustees, the township Zoning Commission shall obtain certification from the Licking County Planning Commission, or the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100-year flood event, and the amendment procedures of Article 6 shall be followed.

#### **Section 9.10 Required Lot Area, Lot Width, Height, Packing Yards, and Sign Requirements**

The lot area, lot width, building height, parking yards, and sign requirements shall comply with the base district requirements as outlined in Section 9.3 of this article.

Any proposed lot for residential use shall comply with the Licking County Board of Health and Licking County Subdivision Regulations. Any structure intended for four-family residential, commercial, or industrial land use shall comply with the Ohio Environmental Protection Agency, or any other appropriate authority regulations.

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## **Monroe Township Zoning Resolution Article 10**

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### **AG, AGRICULTURAL DISTRICT**

#### **Section 10.0 Purpose**

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affect agricultural operators.

#### **Section 10.1 Uses Permitted in the AG District**

1. Agriculture.
2. Single-family dwelling.
3. Public parks and playgrounds.
4. Public and private schools.
5. Churches.
6. Commercial grain storage.
7. Accessory uses and structures.

#### **Section 10.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5 and the other provisions of this Resolution, the following uses may be conditionally permitted:

1. Real estate, professional and small announcement signs, subject to the provisions of Article 23.
2. Golf courses, and similar uses.
3. Private aviation fields.
4. Home occupations.
5. Sawmills.
6. Veterinary clinic-office.
7. Implement sales and repairs.
8. Feed and seed sales.
9. Fertilizer and agricultural chemical sales.
10. Commercial signs, Outdoor advertising, displays, and/or billboards.
11. Manufactured homes
12. Portable Storage Unit.



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## Monroe Township Zoning Resolution Article 10

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### Section 10.3 Required Lot Area and Lot Width in the AG District for Residential Uses

Each dwelling shall be located on a lot having an area of not less than three (3) acres (130,680 square feet) and a lot width of not less than two hundred twenty-five (225) feet at road frontage, exclusive of road right-of-way, and shall be in addition to any easements of records.

### Section 10.4 Height Regulation in the AG District

No dwelling shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height.

### Section 10.5 Required Yard/ Setback in AG District

All dwellings shall have the following minimum yard spaces:

Front Yard:	50 feet* setback from overhang
Side Yard:	25 feet each side
Rear Yard:	50 feet

\*The front yard setback of fifty (50) feet excludes the established right-of-way and said setback shall be seventy (70) feet from the center of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

### Section 10.6 Required Floor Area in the AG District

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

#### Single-Family Dwelling

With basement:	1,500 square feet
Without basement:	1,500 square feet

Single-family dwellings shall not be less than twenty-nine (29) feet in width or depth, whichever is the smaller dimension.

### Section 10.7 Agricultural Structures: Area, Width, and Yard Setback Requirements

All agricultural structures shall have the following minimum yard spaces-setback:

Front Yard:	50 feet*
Side Yard:	20 feet on both sides
Rear Yard:	25 feet
Lot Area:	None

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## **Monroe Township Zoning Resolution Article 10**

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\*The front yard setback of fifty (50) feet excludes the established right-of-way and said setback shall be eighty (80) feet from the center of the street if no right-of-way has been established.

### **Section 10.8 Signs**

Signs shall be as provided in Article 23 of this Resolution.

### **Section 10.9 Parking Requirements**

Parking requirements shall be as regulated in Article 22 of this Resolution.

### **Section 10.10 Agricultural Buildings and Uses**

Agricultural buildings and uses shall be regulated in accordance with the provisions of the Resolution and the Ohio Revised Code, Sections 519.21, and as amended, (See Appendix I).

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# Monroe Township Zoning Resolution

## Article 11

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### R-1, SUBURBAN RESIDENCE DISTRICT

#### **Section 11.0 Purpose**

The purpose of the Suburban Residence District is to provide an area for rural small estate residential development; to provide an area for light agricultural pursuits; and, to conserve areas physically unsuitable for intensive development.

#### **Section 11.1 Uses Permitted in the R-1 District**

1. Single-family dwellings.
2. Churches.
3. Public and private schools.
4. Public parks and playgrounds.
5. Governmental buildings.
6. Cemeteries.
7. Clubs, golf courses.
8. Nursery, plant materials and sales.
9. Accessory uses and structures.

#### **Section 11.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of this Resolution, the following uses may be conditionally permitted:

1. Institutions, nursery, nursing homes, clinics.
2. Home occupations.
3. Portable Storage Unit.

#### **Section 11.3 Required Lot Area and Lot Width in the R-1 District**

Each residential dwelling shall be located on a lot having an area of not less than 1.6 acres (69,696 square feet), exclusive of road right-of-way and all easements, and must have at least one hundred-fifty (150) feet of road frontage.

#### **Section 11.4 Required Livable Square Footage for Dwelling in the R-1 District**

Any building intended in whole or part for residential purposes shall provide a minimum livable square footage for dwelling:

##### Single-Family Dwelling

With basement	1,500 square feet
Without basement	1,500 square feet

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## **Monroe Township Zoning Resolution Article 11**

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Single-family dwellings shall not be less than twenty-nine (29) feet in depth or width, whichever is the smaller

### **Section 11.5 Height Regulation in the R-1 District**

No residential dwelling shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height.

### **Section 11.6 Required Yard/ Setback in the R-1 District**

All dwellings and permitted uses shall have the following minimum yard spaces:

#### One - Family

Front Yard:	40 feet* setback
Side Yard:	20 feet each side
Rear Yard:	45 feet

\* The front yard setback of forty (40) feet excludes the established right-of-way and said setback shall be seventy (70) feet from the center line of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard requirements on each street side of the lot.

### **Section 11.7 Limitation on Number or Dwellings Per Lot**

There shall be only one (1) dwelling permit on each lot parcel in the R-1 District.

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# Monroe Township Zoning Resolution

## Article 12

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### R-2 GENERAL RESIDENCE DISTRICT

#### Section 12.0 Purpose

The purpose of the General Residence District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

#### Section 12.1 Uses Permitted in the R-2 District

1. Any use as permitted in the R-1 District.
2. One (1) and two (2) family dwellings.
3. Light agricultural uses including nurseries and raising of farm products (not to include livestock). Seasonal produce may be sold on premises.
4. Churches, schools, libraries, museums, and art galleries, parks, playgrounds, cemeteries, public services and utility office buildings.
5. Accessory buildings and uses.
6. Essential Services.

#### Section 12.2 Conditionally Permitted Uses in the R-2 District

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of this Resolution, the following uses may be conditionally permitted:

1. Institutions, nursery, nursing homes, clinics.
2. Home occupations.
3. Professional and business offices.
4. Tourist homes, lodging houses, clubs, lodges, rest homes, funeral homes, clinics, and similar uses.
5. Manufactured Homes
6. Portable Storage Unit.

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

	<u>Lot Area Square Feet</u>	<u>Required Road Frontage Feet</u>
Single-Family	69,696	150
Two-Family	87,120	200
Other Permitted Uses	90,000	200

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## Monroe Township Zoning Resolution Article 12

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### Section 12.4 Required Floor Area – Livable Square Feet in the R-2 District

<u>One-Family</u>	<u>Square Feet</u>
With basement	1,500/per unit
Without basement	1,500/per unit
<u>Two-Family</u>	<u>Square Feet</u>
With basement	1,500 per unit
Without basement	1,500 per unit

Single-family and two-family dwellings shall not be less than twenty-nine (29) feet in width or depth whichever is the smaller.

### Section 12.5 Height Regulation in the R-2 District

No dwelling shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height.

### Section 12.6 Required Yard in the R-2 District

All dwellings and permitted uses shall have the following minimum yard spaces.

<u>One and Two Family</u>	<u>Other Permitted Uses</u>
Front Yard: 40 feet*	Front Yard: 40 feet*
Side Yard: 20 feet each side	Side Yard: 20 feet each side
Rear Yard: 45 feet	Rear Yard: 50 feet

\*The above front yard setback of forty (40) feet excludes the established right-of-way and said setback shall be seventy (70) feet from the center line of the road if no right-of-way has been established. Corner lots shall have the same minimum front yards on each street side of the lot.

### Section 12.7 Parking Requirements in the R-2 District

Parking requirements shall be as regulated in Article 22 of this Resolution.

### Section 12.8 Signs

Signs shall be as regulated in Article 23 of this Resolution.

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## **Monroe Township Zoning Resolution Article 13**

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### **R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT**

#### **Section 13.0 Purpose**

The purpose of the R-3 District is to permit the establishment of medium density single, two (2) and multiple-family dwellings not to exceed four (4) dwelling units per gross acre. Centralized water and sewer facilities are required.

#### **Section 13.1 Permitted Uses in the R-3 District**

1. Single-family dwelling units, \*
2. Two-family dwelling units, \*
3. Multi-family dwelling units, \*
4. Churches.
5. Public and private schools.
6. Public parks and playgrounds.
7. Governmental buildings
8. Accessory uses and structures

\*Public utility supplies of water and sewer are required to accommodate these uses under the R-3 density.

#### **Section 13.2 Conditionally Permitted Uses in the R-3 District**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of this Resolution, the following uses may be conditionally permitted:

1. Professional and business office,
2. Tourist homes, lodging houses, rest homes and funeral homes.
3. Portable Storage Unit.

#### **Section 13.3 Height Limit in the R-3 District**

No building shall be erected or enlarged to exceed two and one half (2 ½) stories or thirty-five (35) feet, whichever is greater.

#### **Section 13.4 Lot Area, Width, and Depth in the R-3 District**

Every lot for a single-family dwelling shall have a minimum width of at least eighty (80) feet and a minimum lot area of not less than fifteen thousand (15,000) square feet; every lot or tract of land upon which there is erected a two (2) family dwelling or multiple-family dwelling shall have a minimum width of at least ninety (90) feet and a minimum lot area of not less than seventeen thousand (17,000) square feet. All lot area measurements shall be exclusive of road right-of-way and shall be in addition to any easement of record.

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## Monroe Township Zoning Resolution Article 13

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### Section 13.5 Required Yard in the R-3 District

Front Yard: There shall be a front yard of not less than thirty-five (35) feet.  
Side Yard: There shall be a side yard of not less than twenty (20) feet on each side.  
Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

\*The front yard setback of thirty-five (35) feet excludes the established right-of-way and said setback shall be sixty-five (65) feet from the center line of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard setback requirements on each street side of the lot.

### Section 13.6 Required Floor Area-Livable Square Feet in the R-3 District

<u>One- and Two-Family Dwelling Units</u>	<u>Square Feet</u>
With Basement	1,500
Without Basement	1,500
 <u>Multi Family Dwelling Units</u>	 <u>Square Feet</u>
With Basement	800 per unit
Without Basement	900 per unit

All dwelling bulk requirements for the R-3 District are to be determined from outside dimensions exclusive of porches, garages, and cellars or basements.

Single-family, two family and multifamily dwellings shall not be less than twenty-nine (29) feet in width or depth, whichever is the smaller dimension.

### Section 13.7 Parking Requirements in the R-3 District

Parking requirements shall be regulated in Article 22 of this Resolution.

### Section 13.8 Signs in the R-3 District

Signs shall be as regulated in article 23 of this Resolution.



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## **Monroe Township Zoning Resolution Article 14**

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### **MANUFACTURED HOME PARK DISTRICT (MHP)**

#### **Section 14.0 Purpose**

The purpose of the MHP District is to encourage the development of manufactured home parks in a well-planned environment. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Manufactured home parks shall comply with the regulations of Chapter HE-27 of the Ohio Sanitary Code of such other rules and regulations of the State of Ohio which are hereinafter enacted.

#### **Section 14.1 Permitted Uses**

1. Buildings or permanent type structures used exclusively to provide services for occupants of the park: such as recreation building, swimming pools, and bath house, laundry room, manufactured home park office, storage rooms, and the like.
2. Accessory buildings or structures that are clearly incidental and attached to a manufactured home, such as a carport, cabana, Florida room, and the like.

#### **Section 14.2 Prohibited Uses**

Within a manufactured home park, only those uses specifically listed as permitted uses shall be authorized, and all other uses, including but not necessarily limited to the following, shall be prohibited.

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park, and stored in the area within the park-designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, except for the repair or sale of any individual vehicle by the owner or occupant thereof.
3. Building or permanent type structures for uses other than those listed as permitted uses.

#### **Section 14.3 Manufactured Home Park Size**

A manufactured home park shall contain a minimum of ten acres of land area and have five hundred (500) feet of road frontage. Each manufactured home shall occupy not less than one acre. Centralized water and sewer facilities are required.

#### **Section 14.4 Manufactured Home Park Regulations**

All manufactured home parks developed in the township shall comply with all state laws for the development and licensing, (Ohio Revised Code 3733 and amendment thereto), such as buffers, parking, and tornado shelters.

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**Monroe Township Zoning Resolution  
Article 14**

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**Section 14.5 Signs in the Manufactured Home Park District**

Signs shall be as regulated in article 23 of this Resolution.

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# Monroe Township Zoning Resolution

## Article 15

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### B-1, LOCAL BUSINESS DISTRICT

#### Section 15.0 Purpose

The purpose of the B-1 District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such district shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan.

#### Section 15.1 Permitted Uses

1. Churches
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service including: grocery, fruit-vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station, laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community.
7. Lodge and fraternal organizations.
8. Nursery (plant materials) and/or greenhouse
9. Accessory uses and structures.
10. Auto service station.
11. Business and professional offices.
12. Motels and hotels.
13. Hospital, clinic, nursery, nursing home.
14. Auto and/or farm implement sales.
15. Taverns, restaurants, or restaurants providing entertainment.
16. Commercial and public entertainment fields, amusements, or establishments similar, but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys, but not to include adult entertainment facilities.
17. Trade or commercial schools.
18. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
19. Public garages.
20. Building materials and sales, if conducted entirely in an enclosed building.
21. Professional offices.
22. General retail outlets.
- 23.

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## **Monroe Township Zoning Resolution Article 15**

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### **Section 15.2 Conditionally Permitted Uses**

After obtaining a valid conditional use permit in accordance with Article 5, and other provisions of this Resolution, the following uses may be conditionally permitted:

1. Veterinary hospital, clinic, kennel, and/or cattery.
2. Marinas.
3. Watercraft and/or recreational vehicle storage.
4. Radio or television broadcasting station and towers (applies to commercial stations and equipment only).
5. Portable Storage Unit.

### **Section 15.3 Height Limit**

No building shall be erected or enlarged to exceed 2 ½ stories or thirty-five 35 feet, whichever is greater.

### **Section 15.4 Lot Area, Width, and Depth**

Business Uses: Every lot shall have a minimum width of two hundred (200) feet of road frontage and a minimum lot area of not less than one acre (43,560 square feet), exclusive of road right-of-way and shall be in addition to any easement of record.

### **Section 15.5 Required Yard/ Setback**

All permitted uses shall have the following minimum yard spaces:

Front Yard	50 feet*
Side Yard	40 feet each side
Rear Yard	25 feet

\*The front yard setback of fifty (50) feet excludes the established right-of-way and said setback shall be eighty (80) feet from the center of the road if no right-of-way has been established. Corner lots shall have the same minimum front yards on each street side of the lot.

### **Section 15.6 Parking Requirements**

Parking requirements shall be as regulated in Article 22 of this Resolution.

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## **Monroe Township Zoning Resolution Article 15**

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### **Section 15.7 Signs**

Signs shall be as regulated in Article 23 of this Resolution.

### **Section 15.8 Landscaping or Screening Provisions**

Landscaping or screening provisions shall be as regulated in Section 17.12 of this Resolution.

### **Section 15.9 Mobile Vending Units**

Monroe Township shall limit the number of mobile vending units operating at any one-time within the Township to five (5). A mobile vending permit shall be obtained from the Zoning Inspector yearly (March-February). Proof of liability insurance and a current food license from the Health Department will be required with the permit application. Mobile vending units shall only be allowed to operate on B-1 or M-1 property unless an exemption is granted from the Zoning Inspector. The maximum number of five (5) units shall not be applicable during festivals or events established by the township.

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## **Monroe Township Zoning Resolution Article 16**

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### **PMUD, PLANNED MIXED USE DISTRICT**

#### **Section 16.0 Objectives for Planned Mixed Use**

It shall be the policy of the Township of Monroe to promote progressive development of land and construction thereon by establishing the Planned Mixed Use District to encourage and achieve:

1. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter streets and less distance for utility lines to extend (either at the time of development or when utilities have to be installed).
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

#### **Section 16.1 Provisions Governing Planned Mixed Use**

This Planned Mixed Use District is established under the provisions of Ohio Revised Code Section 519.021(B) to promote the general welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. Because of the unique characteristics of Planned Mixed Use, special provisions governing the development of land for this purpose are required.

##### **A) Residential Development Purpose and Intent**

Along with the general purpose and intent of this District, the following additional purposes relative to residential development are applicable:

1. A clustered neighborhood design is encouraged with a gross density which is in keeping with the Comprehensive Plan and the physical development potential of the area.

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## **Monroe Township Zoning Resolution Article 16**

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2. The utilization of conservation design principles and preservation of a substantial amount of permanent open space is encouraged, integrated into the development and providing for a pedestrian-friendly environment.
3. In larger developments, a variety of different lot areas and architectural styles are encouraged to create an integrated and imaginative residential environment.
4. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.
5. In areas identified on the Comprehensive Plan for higher density residential, it may be appropriate to consider single-family or multi-family development at densities higher than those appropriate in other areas of the Township and where the Planned Mixed Use District will allow more creative site planning to accommodate these densities and provide appropriate transitions between adjacent higher intensity uses and lower intensity uses.

### **B) Non-Residential Development Purpose and Intent**

Along with the general purpose and intent of this District, the following additional purposes relative to development of non-residential uses are applicable:

1. Commercial and office development shall be properly managed and the development standards of the Planned Mixed Use District clearly specified so that Township officials completely understand the design and impact of a development proposal.
2. A flexible and creative approach to commercial development is encouraged. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.
3. A pedestrian-friendly environment is encouraged, interconnecting with adjacent neighborhoods.
4. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.

### **Section 16.2 Conflict and Interpretation**

Conflicts between provisions of this Section and other sections of this Resolution shall be resolved first in favor of the provisions of this Section.

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## **Monroe Township Zoning Resolution Article 16**

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### **Section 16.3 Uses Permitted**

Commercial, residential, public, and quasi-public uses may be combined in Planned Mixed Use Districts provided that the proposed location of the development will not unreasonably adversely affect adjacent property, and/or the public health, safety, and general welfare. The Planned Mixed Use District does not permit Uses otherwise permitted or conditionally permitted in the Manufacturing and Distribution District.

### **Section 16.4 Minimum Project Area**

The gross area of the tract to be developed under a Planned Mixed Use is a minimum of 5 acres.

### **Section 16.5 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals and/or corporations. Such ownership may be by a public or private corporation, trust, or other form of legal ownership.

### **Section 16.6 Determination of Developable Area**

To determine the developable area, subtract the following from the Gross Site Area:

- A) Area of Federal Emergency Management Agency (FEMA) Flood Hazard Zone or Flood Hazard Areas determined through a government agency approved Hydrologic and Hydraulic Analysis.
- B) Area of wetlands, including the wetland buffer that may be required by a government agency regulation (Ohio EPA, Licking County Subdivision Regulations, Licking County Soil Erosion and Stormwater Regulations, etc.)
- C) Area of steep slopes (15% or greater slope).
- D) Areas with identified endangered species in accordance with the Endangered Species Act of 1973.
- E) Monroe Township required open space as specified in Section 16.7 (A) herein.

### **Section 16.7 Development Standards**

The following standards represent broad parameters under which all Development Plans must be designed:

#### A) Common Open Space

##### 1. Area Required

A minimum of twenty five percent (25%) of the land developed in any Planned Mixed



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## Monroe Township Zoning Resolution Article 16

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Use project shall be reserved for common open space, recreational facilities, and/or agricultural uses for the residents or users of the area being developed.

### 2. Disposition of Open Space

The common open space land reserved under a Planned Mixed Use shall either be held in corporate ownership by owners of the project area for the use of each other who buys property within the development or be dedicated to the county, township or Licking Land Trust (if the county or township is willing to accept the open space. The County, Township or the Licking Land Trust is not obligated or required to accept the open space and the maintenance thereof) and retained as common open space for parks, recreation, and related uses. All land dedicated to the county or township must meet the Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the county or township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

### 3. Common Open Space Access / Clustering Development

Every structure shall be designed to abut or have direct access by vehicle or path to the common open space. A clustering of dwellings is encouraged.

### 4. Excluded Areas

Stormwater control areas, including stormwater basins (retention/detention ponds) will not be counted as open space.

## B) Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Mixed Use. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission approves. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Further, the developer must meet requirements of the Licking County Health Department and, if central water and sewer systems are available, any responsible agency for that district.

## C) Minimum Commercial Use

Commercial (retail / office) uses shall be at least thirty percent (30%) of the overall development.

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## **Monroe Township Zoning Resolution Article 16**

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### D) Uniform Building & Landscape Materials

Uniform building materials, signage, lighting, and landscaping shall be provided throughout the development.

### E) Max Building Height

Three (3) stories or Forty-Five (45) feet, whichever is greater.

### F) Uses Per Floor

Office and residential uses are permitted on all floors, and retail uses are only permitted on the first floor.

### G) Divergences

The applicant may request a divergence from the development standards set forth in this Article, other than Section 16.7(C). An applicant making such a request shall specifically and separately list each requested divergence and the justification for each requested divergence on the Preliminary Development Plan submittal, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Preliminary Development Plan, the development shall comply with the requirements contained in this Article and the General Development Standards applicable to all zoning districts, as set forth in the resolution.

### H) Condition of Approval

Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a Planned Mixed Use District shall be included in a Final Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a "JEDD") and in which Monroe Township is a contracting party.

## **Section 16.8 Procedure for Approval of Planned Mixed Use District**

Planned Mixed Use Districts shall be approved in accordance with the procedures in Section 16.9 through 16.23.

## **Section 16.9 Pre-Application Meeting**

A developer shall meet with the Monroe Township Technical Review Committee, the Licking County Planning Commission and the Licking County Technical Review Committee prior to the

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## **Monroe Township Zoning Resolution Article 16**

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submission of the preliminary development plan. The developer must submit the appropriate application forms and materials that may be required for each of the three entities in accordance with their regulations and/or policies.

The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution, and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county, and the township.

### **Section 16.10 Contents of Application for Approval of Preliminary Development Plan**

For the following sections 16.10(A) and 16.10(B), all plans, studies, and reports shall be signed, dated, and the professional seal applied by the professional engineer, professional surveyor, or professional architect who prepared said plan, study, or report.

#### **A) Background Information:**

The following background information shall be submitted in typed written form.

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor and registered civil engineer, and/or landscape architect assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. A statement which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. one-family dwellings, golf course, etc.), and the clientele which it is designed to serve (e.g. public, residents only, retirees, etc.). In addition, the statement must set forth reasons why the proposed Planned Mixed Use would be in the public interest and would be consistent with the stated intent of the Planned Mixed Use requirements described in this Resolution.
6. Description of proposed provisions for utilities including water, sewer, power, and telephone service. The applicant shall also indicate all government authorities which have jurisdiction over any utility systems and provide a description of the current status of the project with respect to necessary review and approval.
7. The proposed ownership and maintenance of open spaces, parking areas, and any

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proposed amenities proposed as a part of the development.

8. Evidence that the applicant has sufficient control over the land in question,
9. A list containing the names and mailing address of all owners of property within 500 feet of the property in question.
10. An archaeological survey of the property prepared by an appropriate professional may be required.
11. Certification that all information in the application is true and correct.
12. And any other information as determined necessary by the Monroe Township Trustees and passed by resolution of the Board of Zoning Appeals.
13. Traffic Impact Study.
14. Environmental Report (Floodplain, wetland, stream, and bodies of water delineation, Endangered Species Act of 1973 review and compliance, and if required analysis of mature tree growth area).

### B) Plan Drawing:

The following information shall be submitted and shown on drawings of the site:

1. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be shown in feet if less than 1,000' and in miles or tenths of a mile greater than 1,000'.
2. A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.
3. Location, type, and density (residential only) of development types.
4. Conceptual drainage plan.
5. Natural features.
6. Location of open spaces (e.g. parks, common space, recreational facilities, golf course layout, etc.).
7. Buffers between incompatible land uses and activities.

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8. Proposed street system layout/circulation pattern.
9. Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dump site, etc.).
10. Proposed drive-ways onto existing roads.
11. Any proposed off-site improvements (e.g. deceleration lanes, stop light, road widening, intersection improvements, etc.).
12. Overlay maps showing topography in two (2) foot increments (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil & Water Conservation District.

### C) Fees and Charges

The applicant shall be responsible for all reasonable expenses incurred by Monroe Township in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with reviewing the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the Monroe Township Board of Trustees should be established in accordance with a fee schedule. (See Section 3.10)

### **Section 16.11 Preliminary Development Plan Review as a Subdivision**

Before submitting the preliminary development plan to the Monroe Township Zoning Clerk for consideration by the Monroe Township Zoning Commission as detailed herein, the applicant shall first submit the plan to the Licking County Planning Commission and the Licking County Technical Review Committee as a sketch plan application in accordance with the Licking County Subdivision Regulations and the Licking County Soil Erosion and Stormwater Regulations as applicable. The developer would submit the appropriate application forms and materials that may be required for each of these entities in accordance with their regulations and/or policies.

After the Licking County Technical Review Committee Meeting is held for the sketch plan application at the county level, then the developer may submit the same to the Monroe Township Zoning Clerk, along with a copy of the comments provided by the Licking County Technical Review Committee reviewing agencies. This includes, but is not limited to, the Licking County Planning Commission, Licking County Engineer's Office, Licking County Soil and Water Conservation District, Water and Wastewater District with jurisdiction, Fire District with

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jurisdiction, and if along or impacting a State of Ohio roadway, ODOT District 5. These agencies make up the Licking County Technical Review Committee.

### **Section 16.12 Application for Zoning Map Amendment**

Preliminary Plans submitted are deemed to be an application for amendment to the Monroe Township Zoning Resolution as provided in Article 6. All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to Planned Mixed Use.

### **Section 16.13 Public Hearing by Zoning Commission**

Within not less than 20 days or longer than 40 days after receipt of LCPC recommendation of the preliminary development plan and rezoning, the Zoning Commission shall hold a public hearing.

### **Section 16.14 Notice of Public Hearing by Newspaper**

In accordance with applicable law, before holding a public hearing, as provided in Section 6.8, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the Planned Mixed Use.

### **Section 16.15 Notice to Property Owners by Zoning Commission**

In accordance with applicable law, before holding the public hearing required in Section 6.7, written notice of such hearing may be sent by the Chairman of the Zoning Commission by first class mail, at least 10 days before the hearing, to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

### **Section 16.16 Criteria for Approval of a Preliminary Development Plan**

Within thirty (30) days following the public hearing referenced in Section 16.13 above, the Monroe Township Zoning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it in accordance with the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.

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3. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Monroe Township Zoning Resolution.
4. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
5. That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
6. That the clustering of development sites is shown to preserve any natural or historic features and provide usable common open space.
7. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
8. That there are adequate buffers between incompatible land uses.
9. That the developer possesses the requisite financial resources to begin the project within the required one year of the final approval (Section 16.20) and complete the project within three years or within the phasing schedule.
10. That the proposed development will be compatible in use and appearance with surrounding or planned land uses.
11. That the area surrounding the development can be planned, zoned and developed in coordination and substantial compatibility with the proposed development.
12. That the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township.

After it has rendered its recommendation, the Monroe Township Zoning Commission shall submit that recommendation, as well as the application, and the recommendation of LCPC, to the Board of Trustees for its action.

The Board of Trustees shall set a public hearing not more than thirty (30) days from the date of receipt of the recommendation of the Zoning Commission. Notice of the Board of Trustees' hearing shall be provided as required by applicable law.

No more than twenty (20) days following its public hearing, the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of them, considering all relevant factors and circumstances including, without limitation, the criteria

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identified in this Section.

### **Section 16.17 Effect of Approval of the Preliminary Development Plan**

The Monroe Township Trustees' approval of a Preliminary Development Plan will be considered an approval of the Preliminary Development Plan in principle only. Approval of the preliminary plan shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility, recognizing that those items will be finalized at the Final Development Plan stage of the process. Approval of the Preliminary Development Plan is necessary however, before the applicant may submit a Final Development Plan to the Monroe Township Zoning Commission and Monroe Township Trustees for review.

### **Section 16.18 Contents of Application for Approval of Final Development Plan**

The applicant shall submit five (5) copies of the application for approval of the final development plan to the Chairman of the Zoning Commission. The applicant must be an owner, lessee, or representative or agent of property for which the Planned Mixed Use is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information:

A) All of the written information required for the Preliminary Development Plan application

(See Section 16.10) revised as necessary along with the following:

1. Any proposed deed restrictions.

B) In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:

1. A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.

2. The location and dimensions of all setbacks.

3. Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.

4. Landscaping plan for all buffers and other common areas.

5. Architectural guidelines to apply throughout the development.

6. The proposed names of all interior streets proposed for the development.



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7. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

### **Section 16.19 Preliminary Approval; Expedited Final Development Plan Approval Procedure and Review Process**

The action of the Board of Trustees in approving an application for a Preliminary Development Plan shall constitute an amendment of the Official Zoning Map for the subject tract to the Planned Mixed Use District permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Preliminary Development Plan. However, in a Planned Mixed Use District, no use shall be established and no structure shall be constructed or altered on any part of said tract, until there is submitted a Final Development Plan for said part of said tract, and until the Final Development Plan is approved by the Zoning Commission and the Board of Trustees.

All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) herein shall be followed in considering an application for a rezoning of the land in question to Planned Mixed Use. Upon approval of such application to rezone the property in question to Planned Mixed Use, the Official Zoning Map of Monroe Township shall be amended to designate the project area as "Planned Mixed Use". Thereafter, if the Final Plan is also approved pursuant to Section 16.21, all development restrictions described in the Final Plan shall become official requirements of the parcel(s) that were rezoned to Planned Mixed Use.

### **Section 16.20 Criteria of Approval - Final Development Plan**

The Monroe Township Zoning Commission and Monroe Township Trustees shall review the proposed Final Development Plan in accordance with the following criteria:

1. That the proposed development is in conformity with the Goals and Objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.
3. That the Monroe Township Zoning Commission and Monroe Township Trustees are satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of Final Plan approval and complete the project within three years or within the phasing schedule.
4. That the interior road system, proposed parking, and any offsite improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.

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5. That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the Development Plan.
8. The Criteria and standards in Article 16 are complied with.

The Township Trustees and the Zoning Commission may seek assistance in their consideration of a Final Development Plan from the Licking County Planning Commission or any other appropriate source.

### **Section 16.21 Action by Board of Township Trustees**

Within sixty (60) days after receipt of the recommendation of the Commission with respect to a Final Development Plan, the Board of Township Trustees shall by resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

### **Section 16.22 Supplementary Conditions and Safeguards**

In approving any Planned Mixed Use District, the Board of Township Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions or safeguards, when made a part of the terms under which the Final Development Plan is approved, shall be deemed a violation of this resolution, and punishable under Section 3.9 of this resolution.

### **Section 16.23 Extension of Time**

If a proposed development approved under this Article is not initiated within two years of Final Development Plan approval, and completed within three years from the effective date of the zoning change, the Monroe Township Zoning Commission or Monroe Township Trustees may (in accordance with Article 6) initiate a zoning amendment for 7 subject property (or part thereof) back to the original zoning district in place prior to the rezoning to Planned Mixed Use. An extension of the time limit for the initiation of an approved Development may be approved by the Monroe Township Zoning Commission based on the finding that such extension is not in conflict with the general health, safety, and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the

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original development plan.

### **Section 16.24 Modification of Final Development Plan**

An applicant seeking to modify an approved final development plan shall file an application for modification of the final development plan utilizing the same procedures and criteria as established for the approval of the initial final development plan.

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### **M&D, PLANNED MANUFACTURING & DISTRIBUTION DISTRICT**

#### **Section 17.0 Purpose for Planned Manufacturing & Distribution**

The purpose of the Planned Manufacturing & Distribution District is to allow for more intense manufacturing that includes wholesale and retail sales of construction materials/products that are produced by surface mining, or any materials/products requiring onsite storage of aggregates or chemicals

#### **Section 17.1 Provisions Governing Planned Manufacturing & Distribution**

A) This Planned Manufacturing & Distribution District is established under the provisions of Ohio Revised Code Section 519.021(B) to promote the general welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. Because of the unique characteristics of Planned Manufacturing & Distribution, special provisions governing the development of land for this purpose are required.

#### **B) Development Purpose and Intent**

Along with the general purpose and intent of this District, the following additional purposes are applicable:

1. Development shall be properly managed, and the development standards of the Planned Manufacturing & Distribution District clearly specified so that Township officials completely understand the design and impact of a development proposal.
2. A flexible and creative approach to development is encouraged. This flexibility is intended to minimize potential negative impacts and conflicts with rural agriculture and residential development.
3. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.

#### **Section 17.2 Conflict and Interpretation**

Conflicts between provisions of this Section and other sections of this Resolution shall be resolved first in favor of the provisions of this Section.

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### Section 17.3 Uses

#### Permitted Uses in M&D

Uses identified and approved during the development plan process in section 17.8 thru 17.23.

#### Conditionally Permitted Uses in M&D

**(All raw materials used in the production of asphalt, concrete, or any other product, must be extracted on-site and not transported into the production facility).**

1. Non-metallic goods manufacturing including silica products.
2. Contract construction storage of machinery and materials.
3. Surface Mining Operations as defined in Ohio Revised Code Section 1514.01.

### Section 17.4 Minimum Project Area

The gross area of the tract to be developed under a Planned Manufacturing & Distribution is a minimum of 10 acres.

### Section 17.5 Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals and/or corporations. Such ownership may be by a public or private corporation, trust or other forms of legal ownership.

### Section 17.6 Development Standards

The following standards represent broad parameters under which all Development Plans must be designed:

#### A) Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Manufacturing & Distribution. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning

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Commission approves. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Further, the developer must meet requirements of the Licking County Health Department and, if central water and sewer systems are available, any responsible agency for that district.

B) Property Line Setbacks

Front One Hundred (100) feet from R/W, Side Fifty (50) feet, Rear Fifty (50) feet.

C) Max Building Height

Three (3) stories or Forty-Five (45) feet, whichever is greater.

D) Divergences

The applicant may request a divergence from the development standards set forth in this Article. An applicant making such a request shall specifically and separately list each requested divergence and the justification for each requested divergence on the Preliminary Development Plan submittal, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Preliminary Development Plan, the development shall comply with the requirements contained in this Article and the General Development Standards applicable to all zoning districts, as set forth in the resolution.

E) Condition of Approval

Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a Planned Mixed Use District shall be included in a Final Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a "JEDD") and in which Monroe Township is a contracting party.

### **Section 17.7 Procedure for Approval of Planned Manufacturing & Distribution District**

Planned Manufacturing & Distribution Districts shall be approved in accordance with the procedures in Section 17.8 through 17.22.

### **Section 17.8 Pre-Application Meeting**

A developer shall meet with the Monroe Township Technical Review Committee, the Licking County Planning Commission and the Licking County Technical Review Committee prior to the submission of the preliminary development plan. The developer must submit the appropriate application forms and materials that may be required for each of the three entities in accordance

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with their regulations and/or policies.

The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution, and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county, and the township.

### **Section 17.9 Contents of Application for Approval of Preliminary Development Plan**

For the following sections 17.09(A) and 17.09(B), all plans, studies, and reports shall be signed, dated, and the professional seal applied by the professional engineer, professional surveyor, or professional architect who prepared said plan, study, or report.

#### A) Background Information:

The following background information shall be submitted in typed written form.

1. Name, address, and phone number of applicants.
2. Name, address, and phone number of registered surveyor and registered civil engineer, and/or landscape architect assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. A statement which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. one-family dwellings, golf course, etc.), and the clientele which it is designed to serve (e.g. public, residents only, retirees, etc.). In addition, the statement must set forth reasons why the proposed Planned Manufacturing & Distribution would be in the public interest and would be consistent with the stated intent of the Planned Manufacturing & Distribution requirements described in this Resolution.
6. Description of proposed provisions for utilities including water, sewer, power, and telephone service. The applicant shall also indicate all government authorities which have jurisdiction over any utility systems and provide a description of the current status of the project with respect to necessary review and approval.
7. The proposed ownership and maintenance of open spaces, parking areas, and any proposed amenities proposed as a part of the development.
8. Evidence that the applicant has sufficient control over the land in question.

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## Monroe Township Zoning Resolution Article 17

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9. A list containing the names and mailing address of all owners of property within 500 feet of the property in question.
  10. An archaeological survey of the property prepared by an appropriate professional may be required.
  11. Certification that all information in the application is true and correct.
  12. And any other information as determined necessary by the Monroe Township Trustees and passed by resolution of the Board of Zoning Appeals.
  13. Traffic Impact Study.
  14. Environmental Report (Floodplain, wetland, stream, and bodies of water delineation, Endangered Species Act of 1973 review and compliance, and if required analysis of mature tree growth area).
- B) Plan Drawing:
- The following information shall be submitted and shown on drawings of the site:
1. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be shown in feet if less than 1,000' and in miles or tenths of a mile greater than 1,000'.
  2. A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.
  3. Location, type, and density (residential only) of development types.
  4. Conceptual drainage plan.
  5. Natural features.
  6. Location of open spaces (e.g. parks, common space, recreational facilities, golf course layout, etc.).
  7. Buffers between incompatible land uses and activities.
  8. Proposed street system layout/circulation pattern.
  9. Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dump site, etc.).
  10. Proposed drive-ways onto existing roads.
  11. Any proposed off-site improvements (e.g. deceleration lanes, stop light, road widening, intersection improvements, etc.).
  12. Overlay maps showing topography in two (2) foot increments (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil & Water Conservation District.



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## Monroe Township Zoning Resolution Article 17

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### C) Fees and Charges

The applicant shall be responsible for all reasonable expenses incurred by Monroe Township in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with reviewing the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the Monroe Township Board of Trustees, should be established in accordance with a fee schedule. (See Section 3.10)

### **Section 17.10 Preliminary Development Plan Review as a Subdivision**

Before submitting the preliminary development plan to the Monroe Township Zoning Clerk for consideration by the Monroe Township Zoning Commission as detailed herein, the applicant shall first submit the plan to the Licking County Planning Commission and the Licking County Technical Review Committee as a sketch plan application in accordance with the Licking County Subdivision Regulations and the Licking County Soil Erosion and Stormwater Regulations as applicable. The developer would submit the appropriate application forms and materials that may be required for each of these entities in accordance with their regulations and/or policies.

After the Licking County Technical Review Committee Meeting is held for the sketch plan application at the county level, the developer may submit the same to the Monroe Township Zoning Clerk, along with a copy of the comments provided by the Licking County Technical Review Committee reviewing agencies. This includes, but is not limited to, the Licking County Planning Commission, Licking County Engineer's Office, Licking County Soil and Water Conservation District, Water and Wastewater District with jurisdiction, Fire District with jurisdiction, and if along or impacting a State of Ohio roadway, ODOT District 5. These agencies make up the Licking County Technical Review Committee.

### **Section 17.11 Application for Zoning Map Amendment**

Preliminary Plans submitted are deemed to be an application for amendment to the Monroe Township Zoning Resolution as provided in Article 6. All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to Planned Manufacturing & Distribution.

### **Section 17.12 Public Hearing by Zoning Commission**

Within not less than 20 days or longer than 40 days after receipt of LCPC recommendation of the preliminary development plan and rezoning, the Zoning Commission shall hold a public hearing.

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## **Monroe Township Zoning Resolution Article 17**

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### **Section 17.13 Notice of Public Hearing by Newspaper**

In accordance with applicable law, before holding a public hearing provided in Section 6.7, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the Planned Manufacturing & Distribution.

### **Section 17.14 Notice to Property Owners by Zoning Commission**

In accordance with applicable law, before holding the public hearing required in Section 6.7, written notice of such hearing may be sent by the Chairman of the Zoning Commission by first class mail, at least 10 days before the hearing, to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

### **Section 17.15 Criteria for Approval of a Preliminary Development Plan**

Within thirty (30) days following the public hearing referenced in Section 17.13 above, the Monroe Township Zoning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it in accordance with the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.
3. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Monroe Township Zoning Resolution.
4. That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
5. That the clustering of development sites is shown to preserve any natural or historic features and provide usable common open space.
6. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
7. That there are adequate buffers between incompatible land uses.

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## **Monroe Township Zoning Resolution Article 17**

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8. That the proposed development will be compatible in use and appearance with surrounding or planned land uses.
9. That the area surrounding the development can be planned, zoned and developed in coordination and substantial compatibility with the proposed development.
10. That the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township.

After it has rendered its recommendation, the Monroe Township Zoning Commission shall submit that recommendation, as well as the application, and the recommendation of LCPC, to the Board of Trustees for its action.

The Board of Trustees shall set a public hearing not more than thirty (30) days from the date of receipt of the recommendation of the Zoning Commission. Notice of the Board of Trustees' hearing shall be provided as required by applicable law.

No more than twenty (20) days following its public hearing, the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of them, considering all relevant factors and circumstances including, without limitation, the criteria identified in this Section.

### **Section 17.16 Effect of Approval of the Preliminary Development Plan**

The Monroe Township Trustees' approval of a Preliminary Development Plan will be considered an approval of the Preliminary Development Plan in principle only. Approval of the Preliminary Development Plan shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility, recognizing that those items will be finalized at the Final Development Plan stage of the process. Approval of the Preliminary Development Plan is necessary, however, before the applicant may submit a Final Development Plan to the Monroe Township Zoning Commission and Monroe Township Trustees for review.

### **Section 17.17 Contents of Application for Approval of Final Development Plan**

The applicant shall submit five (5) copies of the application for approval of the Final Development Plan to the Chairman of the Zoning Commission. The applicant must be an owner, lessee, or representative or agent of property for which the Planned Manufacturing & Distribution is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. Each application shall clearly state that the approval shall expire and may be revoked if

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## **Monroe Township Zoning Resolution Article 17**

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construction on the project has not begun within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A) All of the written information required for the Preliminary Development Plan application (See Section 17.9) revised as necessary along with the following:
  - 1. Any proposed deed restrictions.
- B) In addition to the information provided on the Preliminary Development Plan, the Final Development Plan shall be drawn to scale (1" to 100') and include:
  - 1. A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
  - 2. The location and dimensions of all setbacks.
  - 3. Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
  - 4. Landscaping plan for all buffers and other common areas.
  - 5. Architectural guidelines to apply throughout the development.
  - 6. The proposed names of all interior streets proposed for the development.
  - 7. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

### **Section 17.18 Preliminary Approval; Expedited Final Plan Approval Procedure and Review Process**

The action of the Board of Trustees in approving an application for a Preliminary Development Plan shall constitute an amendment of the Official Zoning Map for the subject tract to the Planned Manufacturing & Distribution District permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Preliminary Development Plan. However, in a Planned Manufacturing & Distribution District, no use shall be established, and no structure shall be constructed or altered on any part of said tract, until there is submitted a Final Development Plan for said part of said tract, and until the Final Development Plan is approved by the Zoning Commission and the Board of Trustees.

All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to Planned Manufacturing & Distribution. Upon approval of such application to rezone the property in question to Planned Manufacturing & Distribution, the Official Zoning Map of Monroe Township shall be amended to designate the project area as "Planned Manufacturing & Distribution". Thereafter, if the Final Plan is also approved pursuant to Section 17.20, all development restrictions described in the Final Plan shall become official requirements of the parcel(s) that were rezoned to Planned Manufacturing & Distribution.

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### **Section 17.19 Criteria of Approval – Final Development Plan**

The Monroe Township Zoning Commission and Monroe Township Trustees shall review the proposed Final Development Plan in accordance with the following criteria:

1. That the proposed development is in conformity with the Goals and Objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.
3. That the Monroe Township Zoning Commission and Monroe Township Trustees are satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of Final Plan approval and complete the project within three years or within the phasing schedule.
4. That the interior road system, proposed parking, and any offsite improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
5. That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. That existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the Development Plan.
8. The Criteria and standards in Article 17 are complied with.

The Township Trustees and the Zoning Commission may seek assistance in their consideration of a Final Development Plan from the Licking County Planning Commission or any other appropriate source.

### **Section 17.20 Action by Board of Township Trustees**

Within sixty (60) days after receipt of the recommendation of the Commission with respect to a Final Development Plan, the Board of Township Trustees shall by resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

### **Section 17.21 Supplementary Conditions and Safeguards**

In approving any Planned Manufacturing & Distribution District, the Board of Township Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution.

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## Monroe Township Zoning Resolution Article 17

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Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution, and punishable under Section 3.9 of this resolution.

### **Section 17.22 Extension of Time**

If a proposed development approved under this Article is not initiated within two years of Final Plan approval, and completed within three years from Final Plan Approval, the Monroe Township Zoning Commission or Monroe Township Trustees may (in accordance with Article 6) initiate a zoning amendment for the subject property (or part thereof) back to the original zoning district in place prior to the rezoning to Planned Manufacturing & Distribution. An extension of the time limit for the initiation of an approved Development may be approved by the Monroe Township Zoning Commission based on the finding that such extension is not in conflict with the general health, safety, and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original development plan.

### **Section 17.23 Modification of Final Development Plan**

An applicant seeking to modify an approved final development plan shall file an application for modification of the final development plan utilizing the same procedures and criteria as established for the approval of the initial final development plan.

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### **FVD, PLANNED FARM VILLAGE DISTRICT**

#### **Section 18.0 Objectives for Planned Farm Village District**

It shall be the policy of the Township of Monroe to promote progressive development of land and construction thereon by establishing the Planned Farm Village District to encourage and achieve:

1. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter streets and less distance for utilities lines to extend (either at the time of development or when utilities have to be installed).
2. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
3. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
4. A development pattern which preserves and utilized natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The township is also prepared to accept a greater population density in undeveloped areas than reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development in accordance with the Monroe Township Comprehensive Plan.

#### **Section 18.1 Provisions Governing Planned Farm Village**

A) This Planned Farm Village District is established under the provisions of Ohio Revised Code Section 519.021(B) to promote the general welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. Because of the unique characteristics of Planned Farm Village, special provisions governing the development of land for this purpose are required.

**B) Residential Development Purpose and Intent**

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Along with the general purpose and intent of this District, the following additional purposes relative to residential development are applicable:

1. A clustered neighborhood design is encouraged with a gross density which is in keeping with the Comprehensive Plan and the physical development potential of the area.
2. The utilization of conservation design principles and preservation of a substantial amount of permanent open space is encouraged, integrated into the development and providing for a pedestrian-friendly environment.
3. In larger developments, a variety of different lot areas and architectural styles are encouraged to create an integrated and imaginative residential environment.
4. Master planning is encouraged that focuses on a much broader scale than a single development site, taking into account the larger physical context within which the proposed development is to occur.
5. In areas identified on the Comprehensive Plan for higher density residential, it may be appropriate to consider single-family or multi-family development at densities higher than those appropriate in other areas of the Township and where the Planned Mixed Use District will allow more creative site planning to accommodate these densities and provide appropriate transitions between adjacent higher intensity uses and lower intensity uses.

### **Section 18.2 Conflict and Interpretation**

Conflicts between provisions of this Section and other sections of this Resolution shall be resolved first in favor of the provisions of this Section.

### **Section 18.3 Uses Permitted**

Compatible residential, public, and quasi-public uses may be combined in Planned Farm Village Districts provided that the proposed location of the development will not unreasonably adversely affect adjacent property, and/or the public health, safety, and general welfare. Planned Farm Village Districts are strictly residential, public, and/or quasi-public in use.

### **Section 18.4 Relationship to Licking County, Ohio Subdivision Regulations**

The provisions of the Monroe Township Zoning Resolution are in addition to any requirements, procedures, and regulations as contained in the Licking County Subdivision Regulations. Nothing in these regulations shall be taken or interpreted as nullifying or superseding the subdivision plating requirements as defined in Section 711.001 of the *Ohio Revised Code*, and as further defined, administered and regulated in the Licking County, Ohio Subdivision Regulations.



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## Monroe Township Zoning Resolution Article 18

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### Section 18.5 Minimum Project Area

The gross area of the tract to be developed under a Planned Farm Village shall conform to the following schedule:

Type of Farm Village	Minimum Area (in acres)
Residential	20 ac.

### Section 18.6 Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals and/or corporations. Such ownership may be by a public or private corporation, trust, or other forms of legal ownership.

### Section 18.7 Development Standards

The following standards represent broad parameters under which all Planned Farm Village Districts must be designed:

A) Common Open Space

1. Area Required

A minimum of thirty percent (30%) of the land developed in any Planned Farm Village project shall be reserved for common open space, recreational facilities, and/or agricultural uses for the residents or users of the area being developed.

2. Disposition of Open Space

The required amount of common open space must be concentrated in large areas, preferably connected in some manner. The common open space land reserved under a Planned Farm Village shall either be held in corporate ownership by owners of the project area for the use of each other who buys property within the development or be dedicated to the county or township and retained as common open space for parks, recreation, and related uses. All land dedicated to the county or township must meet the Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the county or township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission. The responsibility for the maintenance of

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## Monroe Township Zoning Resolution Article 18

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all open spaces shall be specified by the developer before approval of the final development plan.

3. Lots to Abut Upon Common Open Space/Clustering Development

Every property developed under the Planned Farm Village approach shall be designed to abut or have direct access by vehicle or path to the common open space. A clustering of dwellings is encouraged.

4. Excluded Areas

Stormwater control areas, including stormwater basins (retention/detention ponds) will not be counted as open space.

B) Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Farm Villages. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Zoning Commission approves. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Further, the developer must meet requirements of the Licking County Health Department and, if central water and sewer systems are available, any responsible agency for that district.

C) Minimum Lot Sizes

Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in the Official Schedule of District Regulations or no more than the number of dwelling units allowed if developed in the underlying district. Regardless, however, the lot area per dwelling may not be reduced below 1.6 acres in size as required by the Licking County Health Department. The applicant must be able to provide sufficient evidence to the Monroe Township Zoning Commission and the Monroe Township Trustees that the overall development demonstrates excellence in design by properly considering significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

D) Parking

Where necessary (such as parks), off-street parking shall be provided in accordance with Article 10 of this resolution. However, off-street parking areas shall not be permitted

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within 15 feet of any residential use.

### E) Divergences

The applicant may request a divergence from the development standards set forth in this Article. An applicant making such a request shall specifically and separately list each requested divergence and the justification for each requested divergence on the Preliminary Development Plan submittal, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Preliminary Development Plan, the development shall comply with the requirements contained in this Article and the General Development Standards applicable to all zoning districts, as set forth in the resolution.

### F) Condition of Approval

Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a Planned Mixed Use District shall be included in a Final Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a “JEDD”) and in which Monroe Township is a contracting party.

### **Section 18.8 Procedure for Approval of Planned Farm Village District**

Planned Farm Village Districts shall be approved in accordance with the procedures in Section 18.8 through 18.23.

### **Section 18.9 Pre-Application Meeting**

A developer shall meet with the Monroe Township Technical Review Committee, the Licking County Planning Commission and the Licking County Technical Review Committee prior to the submission of the preliminary development plan. The developer must submit the appropriate application forms and materials that may be required for each of the three entities in accordance with their regulations and/or policies.

The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution, and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county, and the township.

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### Section 18.10 Contents of Application for Approval of Preliminary Development

A) Background:

The following background information shall be submitted in typed written form.

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor and registered civil engineer, and/or landscape architect assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. A statement which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. one-family dwellings, golf course, etc.), and the clientele which it is designed to serve (e.g. public, residents only, retirees, etc.). In addition, the statement must set forth reasons why the proposed Planned Farm Village would be in the public interest and would be consistent with the stated intent of the Planned Farm Village requirements described in this Resolution.
6. Description of proposed provisions for utilities including water, sewer, power, and telephone service. The applicant shall also indicate all government authorities which have jurisdiction over any utility systems and provide a description of the current status of the project with respect to necessary review and approval.
7. The proposed ownership and maintenance of open spaces, parking areas, and any proposed amenities proposed as a part of the development.
8. Evidence that the applicant has sufficient control over the land in question.
9. A list containing the names and mailing address of all owners of property within 500 feet of the property in question.
10. An archaeological survey of the property prepared by an appropriate professional may be required.
11. Certification that all information in the application is true and correct.
12. And any other information as determined necessary by the Monroe Township Trustees and passed by resolution of the Board of Zoning Appeals.
13. Traffic Impact Study.

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14. Environmental Report (Floodplain, wetland, stream, and bodies of water delineation, Endangered Species Act of 1973 review and compliance, and if required analysis of mature tree growth area).

### B) Plan Drawing:

The following information shall be submitted and shown on drawings of the site:

1. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be shown in feet if less than 1,000' and in miles or tenths of a mile greater than 1,000'.
2. A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.
3. Location, type, and density (residential only) of development types.
4. Conceptual drainage plan.
5. Natural features.
6. Location of open spaces (e.g. parks, common space, recreational facilities, golf course layout, etc.).
7. Buffers between incompatible land uses and activities.
8. Proposed street system layout/circulation pattern.
9. Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dump site, etc.).
10. Proposed drive-ways onto existing roads.
11. Any proposed off-site improvements (e.g. deceleration lanes, stop light, road widening, intersection improvements, etc.).
12. Overlay maps showing topography in two (2) foot increments (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil & Water Conservation District.

### C) Fees and Charges

The applicant shall be responsible for all reasonable expenses incurred by Monroe Township in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with reviewing the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses

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attributable to the review of the plans. A base fee, as determined by the Monroe Township Board of Trustees should be established in accordance with a fee schedule. (See Section 3.10)

### **Section 18.11 Preliminary Development Plan Review as a Subdivision**

Before submitting the preliminary development plan to the Monroe Township Zoning Clerk for consideration by the Monroe Township Zoning Commission as detailed herein, the applicant shall first submit the plan to the Licking County Planning Commission and the Licking County Technical Review Committee as a sketch plan application in accordance with the Licking County Subdivision Regulations and the Licking County Soil Erosion and Stormwater Regulations as applicable. The developer would submit the appropriate application forms and materials that may be required for each of these entities in accordance with their regulations and/or policies.

After the Licking County Technical Review Committee Meeting is held for the sketch plan application at the county level, then the developer may submit the same to the Monroe Township Zoning Clerk, along with a copy of the comments provided by the Licking County Technical Review Committee reviewing agencies. This includes, but is not limited to, the Licking County Planning Commission, Licking County Engineer's Office, Licking County Soil and Water Conservation District, Water and Wastewater District with jurisdiction, Fire District with jurisdiction, and if along or impacting a State of Ohio roadway, ODOT District 5. These agencies make up the Licking County Technical Review Committee.

### **Section 18.12 Application for Zoning Map Amendment**

Preliminary Plans submitted are deemed to be an application for amendment to the Monroe Township Zoning Resolution as provided in Article 6. All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to Planned Farm Village.

### **Section 18.13 Public Hearing by Zoning Commission**

Within not less than 20 days or longer than 40 days after receipt of LCPC recommendation of the preliminary development plan and rezoning, the Zoning Commission shall hold a public hearing.

### **Section 18.14 Notice of Public Hearing by Newspaper**

Before holding a public hearing, as provided in Section 6.8, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the Planned Farm Village.

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### **Section 18.15 Notice to Property Owners by Zoning Commission**

In accordance with applicable law, before holding the public hearing required in Section 6.7, written notice of such hearing may be sent by the Chairman of the Zoning Commission by first class mail, at least 10 days before the hearing, to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 6.8.

### **Section 18.16 Criteria for Approval of a Preliminary Development Plan**

Within thirty (30) days following the public hearing referenced in Section 24.13 above, the Monroe Township Zoning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it in accordance with the following criteria:

1. That the proposed development is in conformity with the goals and objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.
3. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Monroe Township Zoning Resolution.
4. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
5. That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
6. That the clustering of development sites is shown to preserve any natural or historic features and provide usable common open space.
7. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
8. That there are adequate buffers between incompatible land uses.
9. That the developer possesses the requisite financial resources to begin the project within the required one year of the final approval (Section 24.20) and complete the project within three years or within the phasing schedule.
10. That the proposed development will be compatible in use and appearance with surrounding or planned land uses.

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11. That the area surrounding the development can be planned, zoned and developed in coordination and substantial compatibility with the proposed development.
12. That the development is located and designed in such a way as to minimize any unreasonable adverse impact on existing residential or agricultural areas of the Township.

After it has rendered its recommendation, the Monroe Township Zoning Commission shall submit that recommendation, as well as the application, and the recommendation of LCPC, to the Board of Trustees for its action.

The Board of Trustees shall set a public hearing not more than thirty (30) days from the date of receipt of the recommendation of the Zoning Commission. Notice of the Board of Trustees' hearing shall be provided as required by applicable law.

No more than twenty (20) days following its public hearing, the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of them, considering all relevant factors and circumstances including, without limitation, the criteria identified in this Section.

### **Section 18.17 Effect of Approval of the Preliminary Development Plan**

The Monroe Township Trustees' approval of a Preliminary Development Plan will be considered an approval of the preliminary development plan in principle only. Approval of the Preliminary Development Plan shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility, recognizing that those items will be finalized at the Final Development Plan stage of the process. Approval of the Preliminary Development Plan is necessary however, before the applicant may submit a Final Development Plan to the Monroe Township Zoning Commission and Monroe Township Trustees for review.

### **Section 18.18 Contents of Application for Approval of Final Development Plan**

The applicant shall submit five (5) copies of the application for approval of the final development plan to the Chairman of the Zoning Commission. The applicant must be an owner, lessee, or representative or agent of property for which the Planned Farm Village is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A) All of the written information required for the Preliminary Development Plan application (See Section 24.9) revised as necessary along with the following:



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## Monroe Township Zoning Resolution Article 18

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1. Any proposed deed restrictions.
- B) In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:
1. A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
  2. The location and dimensions of all setbacks.
  3. Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
  4. Landscaping plan for all buffers and other common areas.
  5. Architectural guidelines to apply throughout the development.
  6. The proposed names of all interior streets proposed for the development.
  7. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

### **Section 18.19 Preliminary Approval; Expedited Final Development Plan Approval Procedure and Review Process**

The action of the Board of Trustees in approving an application for a Preliminary Development Plan shall constitute an amendment of the Official Zoning Map for the subject tract to the Planned Farm Village District permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Preliminary Development Plan. However, in a Planned Farm Village District, no use shall be established, and no structure shall be constructed or altered on any part of said tract, until there is submitted a Final Development Plan for said part of said tract, and until the Final Development Plan is approved by the Zoning Commission and the Board of Trustees.

All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to Planned Farm Village. Upon approval of such application to rezone the property in question to Planned Farm Village, the Official Zoning Map of Monroe Township shall be amended to designate the project area as "Planned Farm Village". Thereafter, if the Final Plan is also approved pursuant to Section 24.21, all development restrictions described in the Final Plan shall become official requirements of the parcel(s) that were rezoned to Planned Farm Village.

### **Section 18.20 Criteria of Approval - Final Development Plan**

The Monroe Township Zoning Commission and Monroe Township Trustees shall review the proposed Final Development Plan in accordance with the following criteria:

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## **Monroe Township Zoning Resolution Article 18**

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1. That the proposed development is in conformity with the Goals and Objectives of the Monroe Township Comprehensive Plan.
2. That the proposed development advances the general health, safety and morals of Monroe Township.
3. That the Monroe Township Zoning Commission and Monroe Township Trustees are satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of Final Plan approval and complete the project within three years or within the phasing schedule.
4. That the interior road system, proposed parking, and any offsite improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
5. That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the Development Plan.
8. The Criteria and standards in Article 18 are complied with.

The Township Trustees and the Zoning Commission may seek assistance in their consideration of a Final Development Plan from the Licking County Planning Commission or any other appropriate source.

### **Section 18.21 Action by Board of Township Trustees**

Within sixty (60) days after receipt of the recommendation of the Commission with respect to a Final Development Plan, the Board of Township Trustees shall by resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

### **Section 18.22 Supplementary Conditions and Safeguards**

In approving any Planned Farm Village district, the Board of Township Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution, and punishable under Section 3.9 of this resolution.

### **Section 18.23 Extension of Time**

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## **Monroe Township Zoning Resolution Article 18**

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If a proposed development approved under this Article is not initiated within two years of Final Plan approval, and completed within three years from the effective date of the zoning change, the Monroe Township Zoning Commission or Monroe Township Trustees may (in accordance with Article 6) initiate a zoning amendment for the subject property (or part thereof) back to the original zoning district in place prior to the rezoning to Planned Farm Village. An extension of the time limit for the initiation of an approved Development may be approved by the Monroe Township Zoning Commission based on the finding that such extension is not in conflict with the general health, safety, and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original development plan.

### **Section 18.24 Modification of Final Development Plan**

An applicant seeking to modify an approved final development plan shall file an application for modification of the final development plan utilizing the same procedures and criteria as established for the approval of the initial final development plan.

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# Monroe Township Zoning Resolution

## Article 19

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### TCOD, Transportation Corridor Overlay District

#### Section 19.0 Purpose

The purpose of the Transportation Corridor Overlay District (TCOD) is to provide overlay requirements to ensure that existing and anticipated corridor land uses and traffic improvements, within the District, will be developed in a manner that protects the health and safety of residents of Monroe Township. The importance of maintaining traffic flow and accessibility to reduce potential traffic hazards, encourage compatible land uses, better comply with the Clean Air Act Amendment of 1990, and to protect property values, requires that special emphasis on traffic planning and frontage treatment be achieved through the use of an overlay district. The Transportation Corridor Overlay District shall also require uniform signage, adequate screening, and landscaping to establish visual harmony and promote aesthetic design in development within the district.

#### Section 19.1 Jurisdictional Boundaries

The Transportation Corridor Overlay District is defined as the area comprising all land (parcels or portions thereof), which has frontage on, or access through an easement or driveway, to either of:

Johnstown-Utica Road (U.S. 62)

Johnstown Alexandria Road (S.R. 37)

#### Section 19.2 Permitted Uses - TCOD District

Permitted uses in the Transportation Corridor Overlay District consist of any permitted use allowed in the underlying zoning district. The regulations of the Transportation Corridor Overlay District shall supplement, and be in addition to, the regulations of the underlying zoning district of the property. However, where the requirements of this article conflict with the permitted uses or regulations of the underlying zoning district, the regulations set forth in this article shall control

#### Section 19.3 Design Standards

##### 1. Setback Requirements

All new structures and accessory structures must be set back 70 feet from the edge of the right-of-way line of the designated corridor highway or road.

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## Monroe Township Zoning Resolution Article 19

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### 2. Loading Areas

Commercial loading areas shall be located to the rear of buildings and screened from adjacent uses.

### 3. Storage Areas

Storage areas and trash storage receptacles shall be enclosed by structures or opaque fences and be located to the rear of the building.

**• The rear of the building or structure shall be the area opposite the public or private road, behind any portion of the structure, within a boundary established by an imaginary line parallel to the public or private road, and in alignment with the façade of the building or structure that is opposite the public or private road.**

### 4. Utility and Transmission Lines

New or upgraded utility and transmission lines located within the Transportation Corridor Overlay District (including those located along the rear property line) shall be located underground and be designed and located in such a manner that they will have minimum adverse visual and physical impact on the natural/or rural character of the roadside.

### 5. Pedestrian Access

Multi-use Paths are encouraged to be provided where pedestrian traffic between sites is expected, and they shall be designed to minimize conflict with automobiles. Where central sewer systems are required, Multi-use Paths shall be required on both sides of all streets within the development and along the adjacent side of all existing roadways that abut or pass through the site. Where Multi-use Paths are required, these Multi-use Paths shall be constructed to handicapped/disabled person standards at street intersections. In areas of high pedestrian traffic, such as within one (1) mile of a school, major park, playground, shopping center, transportation hub, or community facility (measured from the nearest point of the proposed development to the nearest point of the place of pedestrian activity), Multi-use Paths may be required at the discretion of the Monroe Township TRC.

### 6. Corridor Landscaping/Buffers/Screening

- a. All existing, healthy trees having a trunk diameter of 6 inches or more shall be preserved whenever possible. The developer may be required to submit a tree survey which indicates the location of such trees so that site design options that would allow for the maximum preservation of mature tree stands can be negotiated.

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## Monroe Township Zoning Resolution Article 19

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- b. A "buffer zone" shall be required along the boundary of all neighboring properties, which facilitate unlike land uses. The width of these buffer zones shall be in accordance with the following chart:

REQUIRED WIDTH OF BUFFER ON PROPOSED USE BORDER

PROPOSED USE	EXISTING ADJACENT USE			
	RESIDENTIAL	COMMERCIAL	MANUFACTURING	PUBLIC
Commercial	20 FT	None	10 FT	20 FT
Manufacturing	30 FT	10 FT	None	30 FT

A "buffer zone" as referred to in this section shall be defined as a green strip of land, free from buildings, driveways, or other paved surfaces, which is permanently set aside by the owner. All buffer zones shall be planted in trees and shrubs in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year round. Walls and fences (made of natural materials or materials made to look natural) may be used in combination with shrubs, planted at a minimum of 3-foot intervals, to achieve the goal of adequate screening.

- B. All parking areas constructed within the Transportation Corridor Overlay District shall meet those requirements specified in Article 22 of this Resolution. When there are conflicting requirements, the stricter of the two shall prevail.

### 7. Landscaping / Design Requirements

- a. Distance between parking area and building:

A minimum distance of 8 feet shall be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing or planned.

- b. Interior plantings:

In addition to all other requirements, all commercial, business, institutional, or industrial parking areas for more than 20 vehicles (excluding parking structures), shall provide and maintain a minimum of a 300 square foot planting area with minimum dimensions of 7 feet for every 8 parking spaces (including handicapped spaces) located within the parking area. Planting areas shall:

- i. Contain at least 2 "shade trees" which are at least 8 feet in height and 6 inches and 1/4 inches in circumference (2 inches in diameter) measured at

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## Monroe Township Zoning Resolution Article 19

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- ii. 1/2 feet above grade for new planted trees and measured at 4 1/2 feet above grade for existing trees. ("Shade trees" as used herein mean any tree, evergreen, or deciduous, whose mature height of its species can be expected to exceed 35 feet, and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with the American Association of Nurserymen.
  - iii. Contain ground covering sufficient to cover otherwise exposed planting surface so that soil erosion will be minimized.
  - iv. Be located within the parking area as tree islands, at the end of parking bays, inside 7 foot wide or greater medians, between rows of cars, or as part of a continuous street or a transitional protective yard. No vehicular parking space shall be separated from a shade tree by an intervening building and be located farther than 50 feet from the tree trunk of a planting area. Landscaped planting areas shall be distributed in a uniform manner as to provide shade yet should also be positioned within the parking area in accordance with sound landscape design and parking lot circulation principles.
- c. Berms:
- Earthen berms or sloped ground may be provided, substituted, or combined with the above buffer requirements. Any berms used to comply with this requirement shall have a minimum height of 1 1/2 feet and a minimum crown width of 2 feet and a total minimum width of 7 feet and shall be planted with a locally adapted species of shrubs. However, shrubs may have a lesser height provided that the combined height of the berm and the plantings after 3 years is at least 30 inches high.

### 8. Screening

Any area used for service yards, utility meters, above ground tanks, and other such equipment shall be screened through landscaping (which could include a berm, or a fence constructed to look like natural materials including wood, brick, cultured stone, etc. may be used in combination with shrubs, planted at a minimum of three (3) foot intervals, to achieve the goal of adequate screening) so that such facilities are not visible from the highway/road or neighboring properties and shall be located not less than 10 feet from the side and/or rear property lines.

### 9. Signs

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## Monroe Township Zoning Resolution Article 19

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All signs shall meet those requirements specified in Article 23 of this resolution in addition to the following standards:

- a. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.
- b. The various parts of a sign shall have the same name and message on all used faces.
- c. Any multi-faced sign shall have the same name and same message on all used faces.
- d. All signs shall be of standard geometric shapes.
- e. All lighted signs shall be lit with capped, exterior white ground lights which have a steady, stationary light of reasonable intensity and all direct light must be shielded from all adjacent streets and residential buildings.
- f. All commercial, institutional, and industrial structures shall be set back at least 15 feet from the road right-of-way.
- g. All signs must not interfere with safe-sight distance of motorists as per ODOT regulations.

### Section 19.4 Site Design Submittal Requirements

Before a zoning permit is issued by the Monroe Township Zoning Inspector, the developer shall submit plans, drawn to an appropriate scale, to the ***Monroe Township Technical Review Committee (TRC)*** as appointed by the Township Trustees (to be comprised of two [2] members from the Monroe Township Zoning Commission, two [2] members from the Monroe Township Zoning Board of Appeals, and one [1] Monroe Township Trustee or their designee, with the Monroe Township Zoning Inspector in an advisory capacity) for recommendations and approval. The Monroe Township Technical Review Committee may, at its discretion, request additional studies or outside assistance from the Licking County Planning Commission Staff or others, at the expense of the developer, in its effort to review the development plan in an appropriate manner.

As part of the permitting process, the developer shall submit the following plans to the Monroe Township TRC for review:

1. Site Plan: The plot plan shall show the following:
  - a. The boundaries and dimensions of the lot.
  - b. The size and location of existing and proposed structures.
  - c. The proposed use of all parts of the lot and structures.
  - d. All reserve parcels and anticipated development phases.
  - e. The use of land and location of structures on adjacent property.
  - f. Existing tree stands that are 6" (inches) in diameter located within the setback.



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## Monroe Township Zoning Resolution Article 19

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2. Development Plan: The Development Plan shall show the following:

- a. Structures: All proposed structures shall be located, showing square footage for each structure, expected entrance(s), service, and pedestrian areas for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated.
- b. Traffic concept: All points of ingress and egress onto public roadways and the overall traffic distribution scheme shall be shown, indicating traffic flow patterns and traffic control points. The criteria must include one or more of the "Traffic Safety Measures" as described in this Resolution.
- c. Parking layout: A parking layout must be shown to include the following:
  - i. Access points and expected movement for all transportation modes through and between separate parking lot areas.
  - ii. Expected pedestrian access routes from parking areas and bus stops to structures.
- d. Landscaping: All proposed site landscaping, screening, and buffering shall be indicated as to type and size of material to be used, proposed locations, berming and other features in accordance with this Resolution.
- e. Proposed location and design of signs.
- f. Lighting Plan with cut Sheets.

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## **Monroe Township Zoning Resolution Article 20**

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### **M-1, LIGHT MANUFACTURING DISTRICT**

#### **Section 20.0 Purpose**

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

#### **Section 20.1 Permitted Uses in M-1**

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing.
4. Paper, printing and associated products.
5. Cleaning, dyeing, and similar services.
6. Food products.
7. Poultry (excluding slaughter/packing houses), horticulture, and forestry facilities.
8. Machinery, office equipment, and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Non-metallic goods manufacturing.
12. Sales and repair of household appliances.
13. Vehicle service and maintenance.
14. All permitted uses as specified in Local Business District.
15. Research activities.

#### **Section 20.2 Conditionally Permitted Uses in M-1**

After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of this Resolution, the following uses may be conditionally permitted:

1. Metal can and container manufacturing.
2. Lumber yards.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).
5. Portable Storage Unit.

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**Monroe Township Zoning Resolution  
Article 20**

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**Section 20.3 Height Limit**

No building shall be erected or enlarged to exceed two and one half (2 ½) stories or thirty-five (35) feet in height, whichever is lesser.

**Section 20.4 Lot Area, Width, and Depth**

Every lot shall have a minimum width of two hundred (200) feet of road frontage, and a minimum lot area of not less than one acre (43,560) square feet) in area, exclusive of road right-of-way and shall be in addition to any easements of record.

**Section 20.5 Required Yard/ Setback**

All permitted uses shall have the following minimum yard spaces / setback:

Front Yard:	50 feet
Side Yard:	40 feet each side
Rear Yard	40 feet

\*The yard setback of fifty (50) feet excludes the established right-of-way and said setback shall be eighty (80) feet from the center line of the road if no right-of-way has been established. Corner lots shall provide the minimum front yard setback requirements on each street side of the lot.

**Section 20.6 Parking Requirements**

Parking requirements shall be as regulated in Article 22 of this Resolution.

**Section 20.7 Signs in M-1**

Signs shall be as regulated in Article 23 of this Resolution.

**Section 20.8 Screening**

Screening shall be as regulated in Section 17.12 of this Resolution.

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## **Monroe Township Zoning Resolution Article 21**

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### **SUPPLEMENTARY DISTRICT REGULATION**

#### **Section 21.0 General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

#### **Section 21.1 Conversions of Dwellings to More than One Unit**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and resolutions and any applicable State or federal regulations.
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units.
3. The yard dimensions still meet the yard dimensions required by zoning regulations for new structures in that district.
4. The lot area per family equals the lot area requirements for new structures in that district.
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
6. The conversion is in compliance with all other relevant codes and resolutions.

#### **Section 21.2 Private Swimming Pools**

Private swimming pools are to adhere to setbacks for dwellings or structures according to the zoning classification and district where they are located.

#### **Section 21.3 Community or Club Swimming Pool**

Community and club swimming pools, where permitted, shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.

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## **Monroe Township Zoning Resolution Article 21**

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3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall be subject to the Ohio Department of Health swimming pool code.

### **Section 21.4 Temporary Buildings**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period that construction work is in progress upon obtaining a permit, but such temporary facilities shall be removed upon completion of the construction work and in no event shall the construction period exceed twelve (12) months. The temporary buildings, construction trailers, equipment and materials must be removed upon the earlier of: (a) completion of the construction work or (b) expiration of the period. The Zoning Inspector, in his sole discretion, may extend the permit by a maximum of three (3) months, thereby extending the construction period and permit to a total of fifteen (15) months. Said extension may be requested prior to the expiration of the construction period and initial permit.

### **Section 21.5 Parking and Storage of Certain Vehicles**

Motor vehicles or trailers of any kind or type without current registration shall not be parked or stored on any residentially zoned property other than in a completely enclosed building. One (1) boat and one (1) travel trailer may be stored in the rear yard in any district if they have a current and valid registration. The vehicle, boat or trailer may not be occupied as a residence and are only permitted to be stored. However, one (1) travel trailer may be occupied temporarily for one (1) week during a twelve (12) month period. No more than ten (10) units, meaning a combination of vehicles, one (1) boat and one (1) travel trailer, shall be authorized.

### **Section 21.6 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three side by a solid wall or fence of at least six (6) feet in height if such area is not within an enclosed building or structure. The collection area shall have a hard surface such as concrete or black top. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

### **Section 21.7 Reserved**

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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.8 Setback Requirement for Corner Buildings**

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

### **Section 21.9 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one half (2 ½) feet and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining along said street lines fifty (50) feet from the point of intersection.

### **Section 21.10 Fence and Wall Restrictions in Front Yards**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one half (2 ½) feet.

### **Section 21.11 Yard Requirements for Multi-Family Dwellings**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. When more than one (1) Multi-Family Dwelling is a permitted use or an approved conditionally permitted use in a District, the entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district; provided, whoever, that each individual building shall also meet all yard requirements for the appropriate district as though it were on an individual lot.

### **Section 21.12 Side & Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts**

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district. There shall be screening consisting of masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all commercial advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land, equal to or greater than the width of the building, an evergreen shrub with a minimum height of four (4) feet at the time of planting and maintained. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection and shall be equal to or greater than the width of the building.

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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.13 Architectural Projections**

Open structures such as porches, canopies, balconies, decks, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

### **Section 21.14 Exceptions to Height Regulations**

The height limitations contained in the Zoning Resolution do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except when the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

### **Section 21.15 Special Provisions for Commercial and Industrial Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the requirements in Sections 21.15 through 21.25, inclusive, as determined by the Zoning Inspector, or Fire Chief.

### **Section 21.16 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as determined by the Zoning Inspector or Fire Chief.

### **Section 21.17 Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

### **Section 21.18 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.19 Air Pollution**

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

### **Section 21.20 Glare**

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

### **Section 21.21 Erosion**

Erosion by wind or water will not be permitted on or off the site that will cause degradation to the soil, plants, air, or water quality. All requirements as outlined in Article 6: Urban Soil and Sediment Pollution Control of the Licking County Subdivision Regulations and/or all State laws pertaining to erosion control must be adhered to.

### **Section 21.22 Water Pollution**

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.

### **Section 21.19 Enforcement Provisions**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

### **Section 21.24 Measurement Procedures**

Methods and procedures for the determination of the existence of any elements which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington, D.C., the United States Bureau of Mines, and the Ohio and Federal Environment Protection Agency.



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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.25 Street Frontage Required Height and Number of Residential Dwellings**

Except as required by other provisions of this Resolution, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing improved paved/gravel public street or road.

### **Section 21.26 Junk Yards, Salvage Yards and Impound Yards**

Junk yards, salvage yards and impound yards are prohibited except when approved as a conditional use. Should the Conditional Use Permit be denied, then the area will be modified within thirty (30) days of the date of the Conditional Use Permit denial to a state that will be as such as not to fall into the definition of a junk yard.

### **Section 21.27 Junk Motor Vehicles**

The intent of this section is to regulate junk motor vehicles and to control motor vehicle blight in the township.

1. No owner of a motor vehicle, owner of premises or occupant of premises shall leave a motor vehicle in the open on private premises for more than ten (10) days where such motor vehicle is a junk motor vehicle. For purpose of this section, "junk motor vehicle" means any motor vehicle which:
  - a. Does not have a current valid license plate or registration;
  - b. Is extensively damaged, such damage including but not limited to, any of the following: missing wheels, tires, motor, transmission, or body panels; or
  - c. Is apparently inoperable; or
  - d. Is present on such premises for a use other than primarily as a motor vehicle to be operated on public highways.
  
2. No owner of a motor vehicle, owner of premises or occupant of premises shall leave a motor vehicle in the open on private premises for more than thirty (30) days where such motor vehicle is:
  - a. Under repair; or
  - b. A motor vehicle that has not been operated on a public highway during such period.
  
3. For the purpose of Section subsections (1) and (2) hereof, "in the open" shall refer to any location on private premises except a location inside a completely enclosed building.

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## Monroe Township Zoning Resolution Article 21

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4. Notification to Property Owner

After determining that a motor vehicle fits the definition of a junk motor vehicle as set forth in Section 21.27(1), the Zoning Inspector shall notify the person having the right to the possession of the property on which the junk motor vehicle is located that a violation has occurred. The notification may be delivered in person or may be sent by certified mail with return receipt requested. The notice shall state that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in an enclosed garage or other suitable structure, or shall be removed from the property.

5. Property Owners Right to Appeal

Any person wishing to appeal the decision made by the Zoning Inspector under this provision may appeal such decision to the BZA in accordance with Section 5.19 and 5.14 through 5.17.

6. Enforcement

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice and with the provisions of this Resolution. Each subsequent day that a junk motor vehicle continues to be so left constitutes a separate offense under this Resolution.

In the instance that the problem continues to exist for greater than ten (10) days after receipt of the notice, the matter will be referred to the Licking County Prosecutor for review and a determination of whether or not prosecution of the violation should proceed. In addition to other remedies provided by law, the Board of Township Trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this section.

7. Collector's Vehicles - Exemption

This section is not intended to prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, landscaped vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained in Section 21.27(1)(a), of this Resolution. In this instance, the township may regulate the storage of that motor vehicle on private or public property in the same manner that the storage of any other junk motor vehicle is regulated.

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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.28 Vacant Structures and Land**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause an adverse effect on the public health or safety.

### **Section 21.29 Noxious Weeds**

All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare or a public nuisance as defined in Article 2. This Resolution shall apply to all zoning districts, except agricultural.

### **Section 21.30 Accessory Buildings or Structures**

Accessory buildings and structures shall be located at least six (6) feet from any dwelling situated on the same lot unless constituting an integrated part thereof; at least six (6) feet from any other accessory building and at least fifteen (15) feet from any lot lines of adjoining lots. Landscaping or screening provisions shall also be reviewed for business and manufacturing uses. See Section 21.12 The Zoning Inspector has the right to reject any building or structure that affects the aesthetics and adjacent properties.

### **Section 21.31 Satellite Dish**

Definitions of dish-type satellite signal-receiving antennas:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:
  - a. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication of other signals for satellites in earth orbit and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer, and/or transmit electronic or light signals.
  - c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio receiver.
3. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

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## Monroe Township Zoning Resolution Article 21

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### Location of Earth Station

1. Ground-Mounted:
  - a. No earth station shall be constructed in any front or side yard but shall be constructed to the rear of the residence or main structure.
  - b. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten feet from any property line or easement.
  - c. An earth station shall not exceed a grade height of twelve (12) feet.
  - d. An earth station must be bonded to a grounding rod.
  - e. No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure unless said satellite dish antenna complies with the roof mounted regulations below.
  
2. Roof-Mounted:
  - a. Earth stations shall be mounted directly upon the roof of a primary or accessory structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - b. An earth station shall not exceed a height of more than three (3) feet above the roof upon which it is mounted.
  - c. An earth station “dish” shall not exceed three feet in diameter.
  - d. An earth station must be bonded to a grounding rod.

### **Section 21.32 Adult Entertainment Facilities**

#### 21.32.00 Definitions

1. “Adult Entertainment Facility” means any establishment which is involved in one or more of the following categories:
  - a. Adult Book Store – An establishment having greater than twenty-five percent (25%) of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to “specified sexual activities” or “specified anatomical area” as herein defined.
  - b. Adult Mini-Motion Picture Theater: A facility with a capacity of less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
  - c. Adult Motion Picture Theater – A facility with a capacity of sixty (60) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

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## Monroe Township Zoning Resolution Article 21

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- d. Adult Entertainment Business – Any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live males or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
  
2. “Specified Sexual Activities” means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
  
3. “Specified Anatomical Areas” mean any of the following:
  - a. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state.
  
4. “Persons” means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
  
5. “Fine Art Gallery” means any display of artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 pieces or less.
  
6. “Sexually Explicit Nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
  
7. “Sadomasochistic Sexual Abuse” means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.

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## Monroe Township Zoning Resolution Article 21

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8. “Visibly Displayed” means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, have unrestrained and reasonably anticipated access and presence.
9. “Knowledge of Character” means having general knowledge, or reason to know, or a belief or grounds for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct circumstantial evidence, or both.
10. “Harmful to Juveniles” means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which the following subsection (a), (b), and (c) apply.
  - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to prurient interest in nudity, sex, or excretion.
  - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
  - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

### **Section 21.32.01      Exceptions**

Nothing in this Article shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine, or other printed material or manuscript by any accredited museum, library, fine arts gallery, school or institution of higher learning.

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## Monroe Township Zoning Resolution Article 21

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2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

### **Section 21.32.02      Location**

Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters, and adult entertainment facilities of any kind are prohibited in Monroe Township. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of Monroe Township.

### **Section 21.32.03      Unlawful Exhibition or Display of Harmful Material to Juveniles**

No person having custody, control, or supervision, or any business or commercial establishment or premises, with knowledge of character of the material involved, shall do or cause to have done any of the following:

1. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole, or contain on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs or sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
2. Visibly display, exhibit, or otherwise expose to review, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any part of such material from any public or private place.
3. Hire, employ, or otherwise place, supervise, control or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.32.04      Adult Entertainment Facilities – Prohibited**

All of the above subject or establishments shall be prohibited within the border and boundaries of Monroe Township, Licking County, Ohio.

### **Section 21.33 Manufactured Homes – Exceptions**

A manufactured home may be temporarily permitted on a lot in any District subject to the approval of the BZA.

### **Section 21.34 Limitation on Dwellings or Structures**

Only one (1) dwelling or principal structure shall be permitted on one (1) parcel unless specifically permitted in the Zoning District. Said dwelling or principal structure shall only be for a permitted use set forth in the applicable Zoning District.

### **Section 21.35 Parking and Storing of Commercial Vehicles and Trailers**

**Parking and Storage of Commercial Vehicles and Trailers** No commercial vehicle with a net capacity rating in excess of two and one half (2 ½) tons, including commercial tractors, automobiles, trucks, buses, house trailers, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking

### **Section 21.36 Lot Width and Depth**

Lots in all districts except MHP, shall not exceed a maximum depth-to-width ratio of 3:1. When requesting a lot split, the applicant shall make their best effort to split the lots into logical regular shapes and shall not contain nominal depths in certain sections of the parcel to meet the minimum required road front for said district. Lots at any one point shall have a depth in order to meet the required front yard set back for the zoning district in which the lot is located.

### **Section 21.37 Prohibited Uses**

Any use that is not specifically set forth in this Resolution as a permitted use is hereby prohibited.



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## **Monroe Township Zoning Resolution Article 21**

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### **Section 21.38 Violation and Penalty**

Whosoever violates any of the provisions of this Article shall be subject to the penalties set forth in Section 3.10 of this Resolution.

### **Section 21.39 Appeals**

Appeals from decisions of the Zoning Inspector shall be made to the BZA as provided in this Resolution.

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# Monroe Township Zoning Resolution

## Article 22

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### OFF-STREET PARKING AND LOADING FACILITIES

#### Section 22.0 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution.
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

#### Section 22.1 Parking Space Dimensions

A parking space shall have minimum rectangular dimensions of not less than the following, respectively:

- |              |               |                |
|--------------|---------------|----------------|
| a. Parallel  | 10 feet width | 25 feet length |
| b. 45 degree | 12 feet width | 25 feet length |
| c. 60 degree | 10 feet width | 25 feet length |
| d. 90 degree | 10 feet width | 25 feet length |

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 22.17 of this Resolution.

#### Section 22.2 Loading Space Requirements and Dimensions

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional one thousand (1,000) square feet or fraction thereof. Review Section 22.18, Off-Street Parking Design Requirements.

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## **Monroe Township Zoning Resolution Article 22**

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### **Section 22.3 Paving**

The required number of parking and loading spaces as set forth in Sections 22.2 and 22.17, together with driveways, aisles, and other circulation areas shall be improved with material which shall provide a durable and dust-free surface.

### **Section 22.4 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

### **Section 22.5 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

### **Section 22.6 Lighting**

All parking areas which are intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining properties.

### **Section 22.7 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
2. Parking spaces for commercial, industrial, institutional uses shall be located not more than seven hundred (700) feet from the principal use.

### **Section 22.8 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be no less than four (4) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

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## **Monroe Township Zoning Resolution Article 22**

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In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

### **Section 22.9 Reserved**

### **Section 22.10 Minimum Distance and Setback**

No part of any parking area for more than ten vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on the adjoining lot. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than ten (10) feet to any established street or alley right-of-way, or property line.

### **Section 22.11 Joint Use**

Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

### **Section 22.12 Reserved**

### **Section 22.13 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than:

1. 90 degree parking      25 feet wide,
2. 60 degree parking      17 ½ feet wide,
3. 45 degree parking      13 feet wide,
4. Parallel parking        12 feet wide.

### **Section 22.14 Access**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Backing out of any parking lot is prohibited. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

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## Monroe Township Zoning Resolution Article 22

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### Section 22.15 Width of Access Driveway

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

1. One-way traffic, a minimum width of fifteen (15) feet, except for forty-five (45) degree parking in which case the minimum width of the access driveway shall be twenty (20) feet.
2. Access highways for two-way traffic shall have a minimum width of twenty-four (24) feet.
3. Parking areas having more than one side or driveway shall have directional signs or markings in each aisle or driveway.

### Section 22.16 Striping

All parking areas with a capacity of over 12 vehicles shall be striped with double lines (six inches both sides of center) between stalls to facilitate the movement into and out of the parking stalls.

### Section 22.17 Parking Space Requirements

For the purpose of this Resolution, the following minimum parking space requirements shall apply:

#### TYPE OF USE

#### MINIMUM PARKING SPACES REQUIRED

<b>Residential</b>		
Single-family or two-family dwellings	3	For each family
Apartments or multi-family dwellings	2 ½	For each Unit
Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	1 2	For each sleeping room <u>or</u> For each permanent occupant
<b>Commercial</b>		
Automobile service garage, and gas station which provides repair	2 4	For each gasoline pump <u>and/or</u> For each service bay
Hotels, motels	1 1	For each sleeping room <u>and</u> For each two employees
Funeral parlors, mortuaries and similar uses	1	For each one hundred (100) square feet of floor area in slumber room, parlors or service rooms.

Banks, financial institutions and similar uses	1	For each two hundred (200) square feet of floor area
Offices, public, or professional administration, or service building	1	For each four hundred (400) square feet of floor area
All other types of business or commercial uses permitted in any business district	1	For each three hundred (300) square feet of floor area
<b>Recreational or Entertainment</b>		
Dining rooms, restaurants, taverns, night clubs, etc.	1	For each two hundred (200) square feet of floor area
Bowling alleys	4 1	For each alley or lane <u>plus</u> Additional space for each one hundred (100) square feet of the area used for restaurant, cocktail lounge or similar use
Dance floors, skating rinks	1	For each one hundred (100) square of floor area used for the activity
Outdoor swimming pools, public community or club	1 1 1	For each five (5) persons capacity <u>plus</u> For four (4) seats <u>or</u> For each thirty (30) square feet of floor area used or seating purposes (whichever is greater)
Auditoriums, sport arenas, theaters, and similar uses	1	For each four (4) seats
<b>Institutional</b>		
Churches and other places of religious assembly	1	For each five (5) seats
Hospitals	1	For each bed
Sanitariums, homes for the aged, nursing homes, asylums and similar uses	1	For each two (2) beds
Medical and dental clinics	1	For every two hundred (200) square area of examination, treating room, office and waiting room
Libraries, museums, and art galleries	1	For each four hundred (400) square feet of floor space
<b>Schools (Public, Parochial or Private)</b>		
Elementary and junior high schools	2	For each classroom and one for every eight (8) seats in auditoriums or assembly halls
High schools	1 1	For each ten (10) students and For each teacher and employee

Business, technical and trade schools	1	For each four (4) students
Kindergartens, childcare centers, nursery schools, and similar uses	2	For each classroom, no more than six (6) for building.
<b>Manufacturing</b>		
All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district	1 and 1	For every two (2) employees (on the largest shift for which the building is designed) <u>plus</u> For each motor vehicle used in the business
Cartage, express, parcel delivery and freight terminal	1 1	For every two (2) employees (on the largest shift for which the building is designed) <u>plus</u> For each motor vehicle used in the business

**Section 22.18 General Interpretation of Article 22**

In the interpretation of Article 22, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the BZA upon an appeal from a decision of the Zoning Inspector or a variance request.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the BZA upon an appeal from a decision of the Zoning Inspector or upon a variance request.

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# Monroe Township Zoning Resolution

## Article 23

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### SIGNS

#### **Section 23.0 Statement of Purpose**

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the township; to main and enhance the aesthetic environment and the township's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to provide for public health and safety by minimizing the possible adverse effects (including but not limited to the obstruction of sight distance to motorists entering and exiting a roadway and distracting motorists of sign on nearby and private property; to control liter; to maintain property values; to maintain character of the community; and to ensure the fair and consistent enforcement of the township in furtherance of these sign regulations). This sign resolution is adopted under the zoning authority of the township in furtherance of the more general purposes set forth in this Resolution.

#### **Section 23.1 Applicability – Effect**

A sign may be erected, placed, established, painted, created, or maintained in the township only in conformance with the standards, procedures, exemptions, and other requirements of this Resolution. The effect of this Resolution, as more specifically set forth herein, is:

1. To establish a permit system to allow a variety of types of signs in business and manufacturing districts, and a limited variety of signs in other districts, subject to the standards and the permit procedures of this Resolution;
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Resolution, but without a requirement for permits;
3. To prohibit all signs not expressly permitted by this Resolution;
4. To provide for the enforcement of the provisions of this Resolution.
5. To apply only to exterior signs unless otherwise specified.
6. To allow non-commercial messages to be displayed on any sign authorized to display commercial messages.

#### **Section 23.1 Permit Required**

Unless other stated herein, all signs shall require a permit and approval of the Zoning Inspector. If a sign requiring a permit under the provisions of this Article is placed, constructed, erected, or modified on a parcel, the owner of the parcel shall secure a sign permit prior to construction, placement, erection, or modification of such a sign in accordance with this Resolution. The failure of the owner to secure a sign permit prior to construction, placement, erection or modification of such sign, shall be subject to a permit fee of 1 ½ times the normal permit fee.



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## Monroe Township Zoning Resolution Article 23

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### Section 23.3 Nonconforming Signs

1. Any previously lawfully erected and conforming sign, but which by reason of size, height, location, design, construction or erection, is not in conformance with the requirements of this Resolution, shall be considered a nonconforming Sign. This section is only applicable to signs that were lawfully erected and in existence on the effective date of this Resolution which would be deemed unlawful or non-conforming after the adoption of the Resolution with more restrictive requirements for said sign.
2. Nonconforming Signs, which are not temporary signs, must be brought into compliance with the requirements of this Section when any proposed change to sign face would be undertaken. This could include, but not limited to changes in the message, typography, graphic design, sign material or mounting systems, excluding the required maintenance necessary to keep a sign in good repair in its existing condition. In no way shall this Section be interpreted to mean that general repair and maintenance of nonconforming signs is prohibited or not required. It is the intent that such signs are permitted to be maintained as long as it is not replaced or the design, logo, content or size is not altered or as long as the sign does not change in any manner.
3. Nonconforming Signs, which are temporary signs, must be brought into compliance with the requirements of this Article within fourteen (14) days of the adoption of this Resolution or this Resolution as Amended.
4. Any sign that was not lawfully erected and was nonconforming on the effective date of this Resolution shall not become a legal nonconforming sign and said sign must be brought into compliance with this Article within fourteen (14) days of the adoption of the Resolution or this Resolution as Amended.

### Section 23.4 Computations For Signs

The following principles shall control the computation of sign area and sign height:

1. Computation of Area of Individual Signs
  - a. Computation of Area of Single-Faced Signs:

The area of a sign (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of measuring the outer limits of the sign face, which includes the area of any square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, graphic representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign face from the backdrop or structure against which it is placed. This shall not include any supporting framework,

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## Monroe Township Zoning Resolution

### Article 23

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bracing, or decorative fence or wall when such fence or wall otherwise meets this Resolution and is clearly incidental to the display itself. The sign face may completely cover the structure or backdrop, in which case the entire structure would be included in the sign face computation.

b. Computation of Area of Multi-faced Signs

The area for a sign with more than one face shall be computed as stated in Section 23.4(1)(a) Computation of Area of Single Faced Sign for each face. Only one face shall be visible from any one point. For example, a two-sided sign, where face A is on the backside of face B, shall be measured as noted in Section 23.4(1)(a). Computation of Area of Single Faced Sign for side A and side B separately. However, if a sign is multi-faced, where face A and face B are visible from a single point (such as stacked one above the other), then both face A and face B combined shall equal the area computation in 23.4(1)(a) Computation of Area of Single Faced Sign.

c. Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

d. Computation of Maximum Total Permitted Sign Area for a Parcel

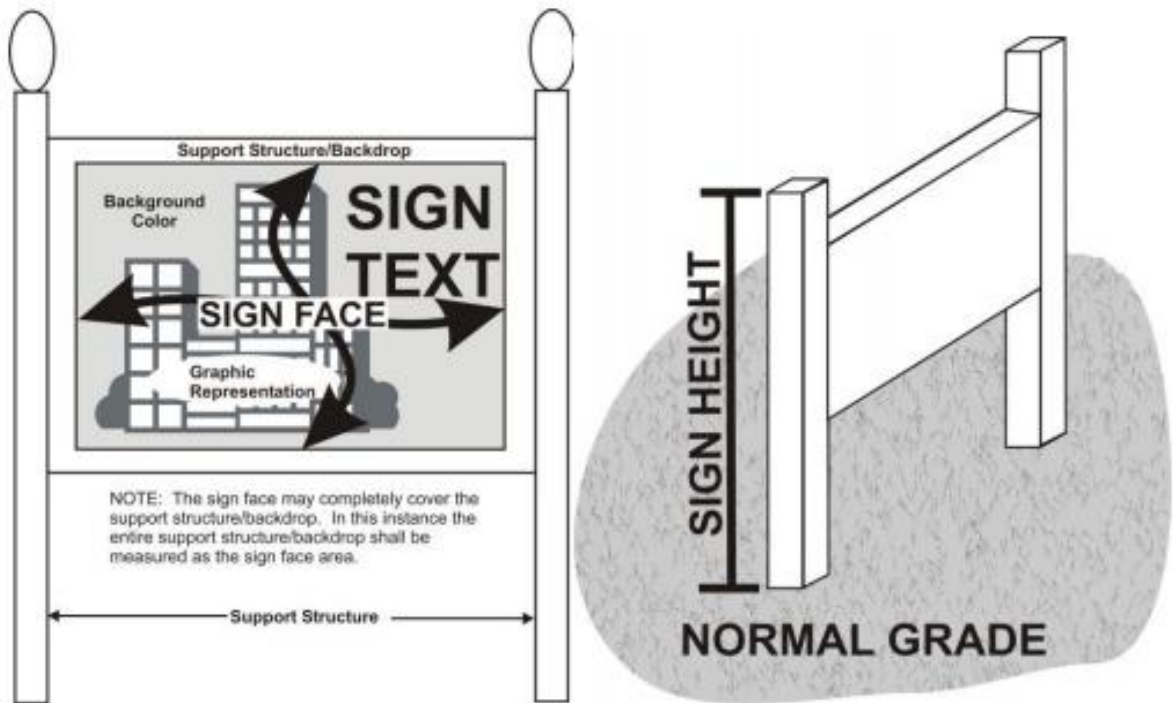
The maximum sign area shall be the maximum area specified in Sections 23.5 Zoning District Sign Regulations, to Section 23.10: Temporary Sign Requirements For All Districts. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, excluding temporary signs and pole signs. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street, unless otherwise specified.

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Figure Article 23 A. Sign Face and Height Measurements

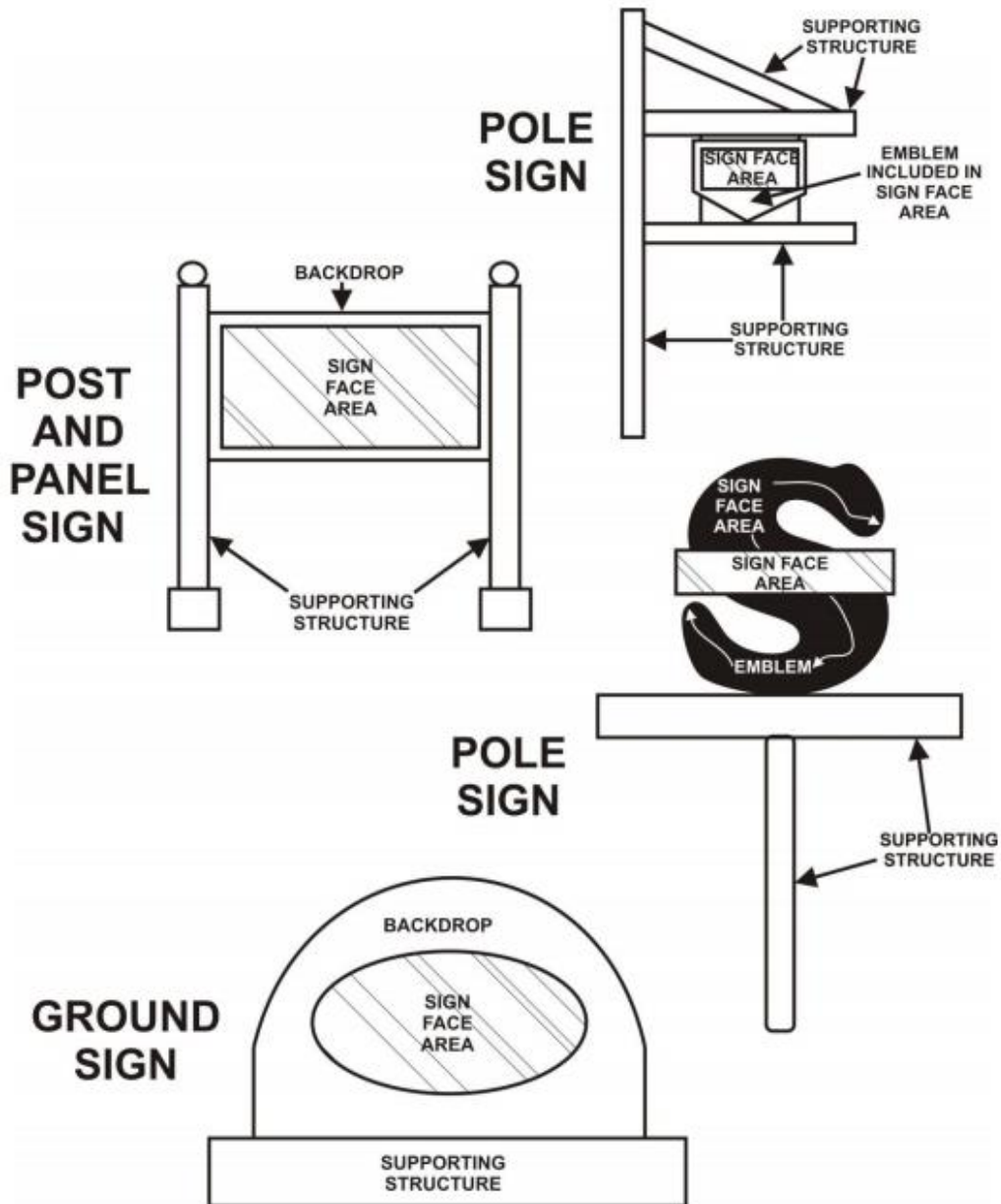


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## Monroe Township Zoning Resolution Article 23

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Figure Article 23 B. Diagrams of Sign Structure Components for Various Types of Sign Structures

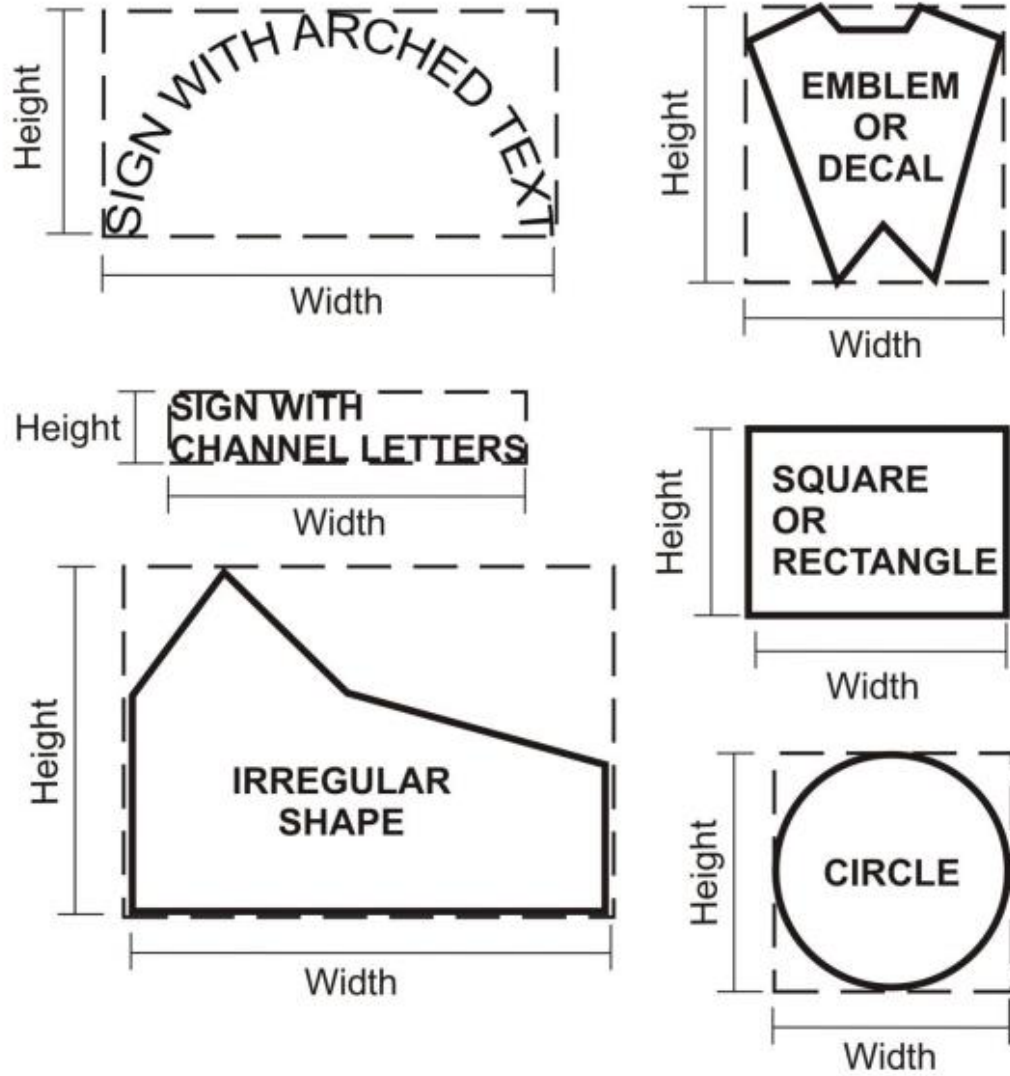


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Figure Article 23 C. Sign Face Measurements



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## Monroe Township Zoning Resolution Article 23

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### Section 23.5 Zoning District Sign Regulations

Sign regulations for zoning districts are specified as follows:

- Section 23.6 Permanent Signs Permitted in All Districts
- Section 23.7 Business/Manufacturing Districts Permanent Signs
- Section 23.8 Billboards
- Section 23.9 Agriculture and Residential District Permanent Signs
- Section 23.10 Temporary Signs

### Section 23.6 Permanent Signs Permitted in All Districts – NO PERMIT REQUIRED

1. Residential Signs: Signs that are customarily associated with residential uses and that are not of a commercial nature, including the name and address of the occupants. Said sign shall be set back ten (10) feet from the road right-of-way line or any lot / parcel line and shall have a maximum of two (2) sign faces; no single face shall have an area greater than four (4) square feet. Said signs shall not exceed a height of four (4) feet.
2. Non-Commercial Signs: Signs that do not contain, display or convey a commercial message. Said sign shall be set back twenty (20) feet from the road right-of-way line or any lot / parcel line and shall have a maximum of two (2) sign faces; no single face shall have an area greater than four (4) square feet. Said signs shall not exceed a height of four (4) feet.

### Section 23.7 Business/Manufacturing District Permanent Signs

1. Business/Manufacturing District On-Premises Signs Permitted: PERMIT REQUIRED
  - a. Entrance and Exit Signs

Entrance and exit signs providing directional information only may be permitted. Such signs shall not exceed a height of two and a half (2.5) feet and shall not have a sign area of three (3) square feet on any face. Entrance and exit signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian.

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## Monroe Township Zoning Resolution Article 23

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a. On-Site Traffic Control Signs

On-site traffic control signs including but not limited to stop signs, yield signs, or other directional signs may be permitted. Such signs shall not be located within the road right-of-way and shall not be placed in any manner that will impede a motorist's visual line of sight and/or create a safety hazard to any motorist or pedestrian. Said signs shall not exceed a height of four (4) feet.

b. On-Premise Wall Signs

Each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed twelve (12) inches measured from the face of the main building and shall not be more than ten (10) square feet total for the face of the sign.

c. On-Premise Ground Signs

In addition to the Wall Sign set forth in Section 23.6(1)©, each business or industry shall be permitted one (1) on-premises ground sign, provided all parts of the sign shall be set back twenty (20) feet from the street right-of-way. The maximum area of such sign shall not exceed twenty-four (24) square feet on any one face of the sign. The sign must be permanently affixed to the ground and shall not exceed a height of six (6) feet including frame.

d. Multiple Business Sign Alternatives

Groups of establishments of four (4) or more business shall be permitted one (1) larger on-premises ground sign for all businesses. Such sign shall not exceed forty-eight (48) square feet for all faces combined nor exceed twenty (20) feet in height and shall be setback at least twenty (20) feet from the road right-of-way. The sign must be permanently affixed to the ground and shall not exceed a height of six (6) feet including frame.

### **Section 23.8 Billboards: PERMIT REQUIRED**

1. Billboards. Billboards shall be classified as a business use and shall be permitted as an off-premises sign in all Business and Manufacturing districts subject to the following regulations:
  - a. Setback from Right-Of-Way: Such signs or structures shall not be located within one-hundred fifty (150) feet of any street (or road) right-of-way.
  - b. Spacing: Such signs or structures shall not be located within three thousand (3,000) feet of any other billboard.

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## Monroe Township Zoning Resolution Article 23

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- c. Sign Setback form Structures: Such signs or structures shall not be located on or within one-hundred fifty (150) feet of any building or other sign.
- d. Sign Face Area: Such sign shall not exceed one hundred (100) square feet on one (1) face and/or two hundred (200) square feet for two (2) faces, and in no case shall more than one hundred (100) square feet of display or sign area be visible from any road or street.
- e. Sign Height: No billboard sign shall exceed a height of twelve (12) feet including frame and pole.
- f. Number Sign Faces. No billboard sign shall contain more than two (2) sign faces.
- g. Relation to Other Laws: If a billboard is deemed a larger sign or advertising device adjacent to the interstate and primary highways as defined in and regulated by the Ohio Revised Code, Section 5516.01 to 5516.13 and 5531.07, and as amended, said billboard shall be permitted in accordance with those state laws. The Zoning Inspector shall only issue a permit when the applicant produces a permit from the State, and the proposed billboard meets the requirements of this Article and the requirements of the Ohio Revised Code. To the extend the requirements of this Article and the Ohio Revised Code are in conflict, the stricter requirement shall control.

### **Section 23.9 Agricultural and Residential Districts On-Premises Permanent Signs Permitted: PERMIT REQUIRED.**

No signs are permitted in any Agricultural or Residential Districts unless (a) expressly permitted in this subsection; (b) are permitted in any district; or (c) are signs which are expressly permitted and regulated by State or Federal Law and cannot be regulated by Monroe Township.

#### 1. On-Premises Ground Sign in Residential District / Use

One (1) on premises ground sign shall be permitted in any residential district or on any property with a residential use within an agricultural district or residential district. Said sign shall be set back twenty (20) feet from the road right-of-way line or any lot / parcel line and shall have a maximum of two (2) sign faces; no single face shall have an area greater that four (4) square feet. Said signs shall not exceed a height of four (4) feet.

Platted residential developments shall be permitted up to two (2) ground signs in accordance with Section 23.8 (2) On-Premise Ground Sign Agricultural District / Use or Non-Residential Use at the entrance to said development. This shall be independent of any sign permitted in accordance with this subsection or any individual lot of record within the platted residential development.



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2. On-Premises Ground Sign Agricultural District/Use or Non-Residential Use

Any agricultural or non-residential use within any agricultural district shall be permitted on (1) on-premises ground sign, provided all parts of the sign shall be set back twenty (230) feet from the road right-of-way and any lot line. The maximum area of such sign shall have a maximum of two (2) sign faces; no single sign face shall have an area great than twelve (12) square feet. The sign must be permanently affixed to the ground. Said signs shall not exceed a height of four (4) feet.

Any platted residential development shall be permitted one (1) On-Premise Ground Sign at each entrance to the development in accordance with the standards stated within this subsection. Please note a boulevard road shall be considered one entrance for purposes of determining the number of signs permitted within this subsection.

### Section 23.10 Temporary Signs

1. Temporary Sign Requirements for All Districts

a. General

Temporary signs are permitted with a temporary sign permit unless specified exempt. Such signs shall conform to the requirements set forth below as well as other applicable requirements of this Resolution.

b. Standards For All Temporary Signs

Temporary signs specified in this Article shall not be attached to fences, trees, utility poles or the like and shall not be placed in a position that will obstruct or impair vision of motorists or pedestrians, or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

c. Temporary Sign Component Materials

Temporary signs shall be post and panel sign construction. A post and panel sign is constructed of either wood post or metal post, or wire frames, that provide support at each side of the sign. The sign face shall be constructed of wood, metal, corrugated polycarbonate or other durable plastic materials. Said sign face shall be substantially secured to the support post by being nailed, screwed, or bolted to the supporting wood or metal post. No sign shall be stapled, taped, tied, or fastened by plastic or metal ties or the like.

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d. Applicant for Temporary Sign

The applicant for a temporary sign shall be the owner of the business placing the sign and the owner of the lot upon which the sign shall be located (if different than the owner of the business). Both individuals shall sign the application and shall accept the responsibility of ensuring said sign is established, maintained, and removed in accordance with the rules and procedures herein and in a manner that is aesthetically pleasing and will not adversely impact the health, safety or welfare of the general public.

e. Application and Expiration of Temporary Sign Permit

Application for a temporary sign permit shall follow the requirements outlined in Section 23.10(1)(d): Applicant for Temporary Sign. The permit shall specify the dates during which the sign will be displayed and will expire at the end of the calendar day on the last date so specified.

f. Duration of Temporary Sign Permit

A temporary sign permit shall not be granted for more than (30) days within any calendar year.

g. Removal of Temporary Signs

All temporary signs shall be removed within forty-eight (48) hours of the expiration of the temporary sign permit. If the temporary sign is not removed within forty-eight (48) hours from expiration of the temporary sign permit, the Zoning Inspector is authorized to access the subject property where the temporary sign is located and remove the temporary sign. Execution and submission of the application for a temporary sign permit is conclusive evidence that the owner of the subject property upon which the temporary sign is located has consented to the Zoning Inspector's authority to access the subject property for the sole purpose of removing the temporary sign in accordance with this subsection.

2. Temporary Signs Permitted in Any District: NO PERMIT REQUIRED

This subsection governs temporary signs that are permitted in any district without a permit provided that they comply with the regulations set forth in this section.

a. Requirements for Temporary Signs in Any District: NO PERMIT REQUIRED

- i. Sign Face Measurement. Temporary signs not exceeding four (4) square feet of sign face for a single sided sign and eight (8) square feet (four [4] square feet per sign face) for a two-sided sign shall be permitted in any district.

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## Monroe Township Zoning Resolution Article 23

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- ii. Temporary Sign Setback. Temporary signs shall maintain a ten (10) foot setback from any lot line and road right-of-way line. Where no road right-of-way exists, the setback shall be forty (40) feet from the centerline of the road.
  - iii. Temporary Sign Placement. Temporary signs may be placed on the ground or attached to a structure only in locations where a wall sign or roof sign would be permitted and does not exist. No temporary sign shall be placed upon any pole, upon any fence, gate, wall, or within any road right-of-way.
  - iv. Number of Signs Permitted. The number of temporary signs permitted shall not exceed one (1) sign per two hundred (200) feet of road frontage with a maximum of four (4) temporary signs permitted per parcel of record.
  - v. Removal. Temporary signs shall be removed within forty-eight (48) hours from the conclusion of said event or purpose for which the temporary sign is established unless a different time is specifically set forth in this Section.
  - vi. Duration of Temporary Sign. No temporary sign under this Section shall be displayed for a period of more than thirty (30) days in any one calendar year.
- b. Types of Temporary Sign in Any District: NO PERMIT REQUIRED.

Temporary signs that are permitted in any district without a permit, provided said sign comply with the requirements in Section 23.10(2)(a), include the following:

- i. Temporary on-premises signs for the sale, rental or lease or real or personal property. Lender, mortgage, or any other ancillary signage is prohibited.
- ii. Temporary On-Premises Contractor Signs. Signs announcing the names of contractors for any short term or temporary work such as home improvements, new construction, remodeling and the like is permitted during the actual construction period, provided that such sign is located only on the parcel of land being developed, improved, remodeled or the like.
- iii. Temporary, on-premises and off-premises, real estate signs that announce the date and time of a real estate open house provided the signs are placed earlier than 6:00 a.m. and removed four (4) hours after the conclusion of the open house. A maximum of one (1) sign per open house is allowed at any one change of direction. All temporary real estate open house signs must contain broker contact information. All riders count toward total sign area.

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- iv. Temporary on-premises signs that are customarily associated with residential uses, and that are not of a commercial nature, including the name and address of the occupants, signs on mailboxes, or paper tubes, etc.
  - v. Temporary signs that do not contain, display or convey a commercial message.
  - vi. Political signs and signs or posters indicating candidates or issues on the public ballot.
3. Temporary on-Premises Signs Permitted In Any Business, Manufacturing, or Agricultural District: PERMIT REQUIRED

This subsection governs temporary on-premises signs that may be permitted in any Business, Manufacturing, or Agricultural Zoning District upon receiving and maintaining a valid sign permit.

- a. Requirements for Temporary On-Premises Signs In Any Business, Manufacturing, or Agricultural District: PERMIT REQUIRED
  - i. Sign Face Measurement. Temporary signs not exceeding six (6) square feet of sign face for a single sided sign and twelve (12) square feet (six [6] square feet per sign face) for a two-sided sign shall be permitted in any Business, Manufacturing or Agricultural Zoning District.
  - ii. Temporary Sign Setback. Temporary signs shall maintain a twenty (20) foot setback from any lot line and road right-of-way line. Where no road right-of-way exists, the setback shall be fifty (50) feet from the centerline of the road.
  - iii. Temporary Sign Placement. Temporary signs may be placed on the ground or attached to a structure only in locations where a wall sign or roof sign would be permitted and does not exist. No temporary sign shall be placed upon any pole, upon any fence, gate, wall, or within any road right-of-way.
  - iv. Annual Installation of Signs for more than one (1) business on a parcel. Where a single lot contains more than one (1) but less than seven (7) businesses, the number of annual installations shall be calculated separately for each business, but only one (1) temporary business sign may be displayed on the parcel at any one time. Where a single lot contains seven (7) or more businesses, the number of annual installations shall be calculated separately for each business, but only two (2) temporary business signs may be displayed on the lot at any one time and only if the signs are at least one hundred (100) feet apart.

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The Zoning Inspector shall act upon any multiple applications for temporary business signs on a single lot on a first-come, first-served basis according to the dates and times of receipt of the applications.

- v. Quantity Permitted. In regards to temporary signs permitted under this Section, a property owner is permitted up to three (3) temporary signs per permit obtained. Such sign(s) shall not be located closer than two hundred (200) feet from any other sign promoting said event or message.
  - vi. Duration of Temporary Sign. No temporary sign under this Section shall be displayed for a period of more than thirty (30) days in any one calendar year.
- b. Types of Temporary On-Premises Signs In Any Business, Manufacturing, or Agricultural District: PERMIT REQUIRED.

Temporary on-premises signs that may be permitted in any Business, Manufacturing or Agricultural District upon receiving and maintaining a valid sign permit, provided said sign complies with the requirements set forth in Section 23.10(3)(a) include the following:

- i. Development Sign. A temporary development sign advertising the sale of platted lots in a subdivision provided that not more than one such sign may be permitted whether such sign is at the entrance to the subdivision or within the subdivision. Any such sign may also be utilized to advertise the sale or lease of multi-family units, or store or office space in commercial developments.
- ii. Sign Promoting Non-Commercial Campaign or Event. A sign for the promotion of a school, church, non-profit or community campaign or event of a noncommercial purpose.
- iii. Temporary Sign for Business. When there is a legitimate delay, as determined by the Zoning Inspector, in the construction or preparation of a permanent sign for a business, a temporary sign may be displayed for the period set forth herein or until the new sign is erected, whichever is less.
- iv. Grand Opening Banner. A grand opening banner or sign is permitted to call attention to a new business, commercial or institutional use. Only one grand opening banner or sign shall be allowed per street frontage for the business or use. The banner or sign must be securely fastened to the building and may not project above the roofline or interfere with access to the building.

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- v. Going Out of Business Sale. A going out of the business banner or sign is permitted to call attention that a business is going out of business or will be permanently closing. Only one going out of business sale banner or sign shall be allowed per street frontage for the business or use. The banner or sign must be securely fastened to the building and may not project above the roofline or interfere with access to the building.
- vi. Special Event of Seasonal Sale Signs. Temporary signs announcing a special event, sales event, seasonal sales and the like.

### Section 23.11 General Requirements For All Signs

1. Limitation on Advertising Devices along State Primary Highways

Any sign or billboard that is deemed a commercial advertising device for businesses or industries adjacent to the interstate and primary highway as defined in and/or regulated by the Ohio Revised Code, Chapter 5516, and as amended, shall be permitted in accordance with those state laws in addition to the requirements of the Monroe Township Zoning Resolution. Such signs shall require a permit from the Zoning Inspector. The owner or agent of such sign must show proof of having obtained the required State of Ohio approval prior to the Monroe Township Zoning Inspector issuing a permit.
2. General Sign Requirements for All Districts

The regulations contained in this section shall apply to all signs and all zoning districts:

  - a. All signs shall be constructed of durable materials, anchored to the ground or principal structure as permitted by the regulations herein, and braced so that the sign will not sway, flap, or otherwise move or be blown out. Signs shall be post and panel sign construction. A post and panel sign are constructed of either wood post or metal post that provide support at each side of the sign. The sign face shall be constructed of wood, metal, or corrugated polycarbonate. Said sign face shall be substantially secured to the support post by being nailed, screwed, or bolted to the supporting wood or metal post. No sign shall be stapled, taped, tied, or fastened by plastic or metal ties or the like. No temporary sign shall be converted to a permanent sign by simply anchoring it to the ground. Metal wire frames are permitted for temporary signs only.
  - b. Any illuminated sign or lighting device shall employ only light emitting a constant intensity with fully shielded fixtures so as to prevent light trespass and distraction. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

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- c. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local or state electric code.
  - e. No projecting sign shall be erected or maintained that extends from the front or face of a building a distance of more than twelve (12) inches, including those projecting from the face of any theater, hotel, or motel marquee unless otherwise specified herein. No portable or temporary sign shall be placed on the front or face of a building or on any premises unless otherwise permitted herein.
  - f. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of commercial advertising or attracting attention to a commercial sign.
  - g. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
  - h. Should any sign be or become unsafe or be in danger of falling or structurally failing, the owner thereof or the person maintaining the same shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
  - i. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs as required by law.
  - j. All advertising devices erected or maintained under Chapter 5516.10 of the Ohio Revised Code shall be in compliance with Chapter 5516.10 and this Resolution.
  - k. No sign shall be located any closer than twenty (20) feet from any public road right-of-way or property line, unless otherwise specifically stated herein. If a larger setback standard is required herein, said standard shall apply.
3. Noncommercial Messages.  
In addition to where specifically authorized, noncommercial messages may be displayed on any sign authorized to display commercial messages, subject to the regulations applicable to said commercial sign, including square footage of sign face, number of faces, and setback.

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### Section 23.12 Prohibited Signs

All signs not expressly permitted under this Resolution or exempt from regulation hereunder in accordance with the previous sections are prohibited in Monroe Township. Such prohibited signs include, but are not limited to:

1. Beacons / Searchlights.
2. Flags / Feather Flags / Pennants for advertising or for commercial message. An example of the use of a flag, feather flag or pennant as an advertising medium would be a flag, feather flag, or pennant advertising a product, event, sale, displaying a message, or the like. The purpose of regulating flags and pennants is to support the purpose and intent of this Article by prohibiting flags and pennants that are stuck into the ground or attached to building overhangs, canopies, fences, and the like and often are blown around and contribute to litter, visual clutter, and impede motorists' line of sight as they enter and exit public roadways. These types of flags and pennants are generally considered disposable and are not highly regarded and often are ignored by those establishing them and not maintained.
3. String Lights not permanently affixed to a rigid background, except those exempt under Section 23.13.
4. Any sign that is placed on or affixed to a vehicle or trailer and that is parked in a location that is visible to the public and for a period of time that indicates that the purpose of locating the vehicle in that location is principally for commercial advertising or displaying a commercial message rather than transport. A vehicle with a sign upon it shall be identified as being used in this manner when any of the following apply:
  - a. Said vehicle is located in a location for an extended period of time during a day or repeatedly over two or more days. Said days shall not be required to be consecutive for the purpose of this section.
  - b. Said vehicle is parked or positioned in a manner as to present the face of the sign or the advertising message to motorist or pedestrians.
  - c. Said vehicle has a sign resting in the bed of a truck, on a roof top, or hood of a vehicle; or has a sign strapped to the vehicle by means of a rope, chain, bungee cord, and the like.
  - d. This section does not include vehicles with company names that belong to a company being used on a daily basis and does not include vehicles that are patrons of a business which are at the business for less than twenty-four (24) hours.
5. Signs erected or maintained on trees or painted or drawn upon rocks or other natural features.



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6. Signs that prevent the driver of a vehicle from having a clear and unobstructed view of official signs (traffic control signs, directional signs, etc.) and approaching or merging traffic.
7. Signs illuminated so as to interfere with the effectiveness of or obscure an official sign, signs, or device.
8. Portable changeable copy signs, including but not limited to portable signs with internal illumination and changeable copy.
9. Signs and/or banners placed on semi-trailers, buses, or motor vehicles parked on a premise for the purpose of commercial advertising or displaying a commercial message. This does not include vehicles with company names that belong to a company being used and moved on a daily basis and does not include vehicles that are patrons of a business which are at the business for less than twenty-four (24) hours. This type of signage is strictly prohibited in any district.
10. Signs that attempt or appear to attempt to direct the movement of traffic, or that interfere with, imitate, or resemble an official sign, signal, or device. Any sign that uses the words “STOP”, “SLOW”, “CAUTION”, “DANGER” or otherwise has a design, color, shape, size, or location that could cause it to be confused with or interfere with official traffic signs or other signs erected by governmental agencies.
11. No sign shall be placed within a road right-of-way or allowed to encroach upon a road right-of-way unless otherwise specified within this Article. No person shall stand within the road right-of-way to act as sign or an advertising medium or display a sign with a commercial message. This includes hand-held signs and sandwich board signs that are held or worn by an individual standing in the road right-of-way.
12. Inflatable signs, figures or tethered balloons.
13. Any sign that by reason of size, location, shape, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety. Any sign that substantially interferes with the view necessary for motorists to proceed safely through intersections, or to enter onto or exit from public streets, private roads or driveway. Any sign that obstructs the view of any authorized traffic sign, signal or device.
14. Any sign that revolves, or is animated, or that utilizes movement or apparent movement to attract the attention of the public. This prohibition shall include, but not limited to, propellers, discs, banners, pennants, streamers, and animated display boards.
15. Any sign with lights that flash, move, rotate or flicker.

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16. Any roof signs or signs that extend above the roof line of a building.
17. Any painted sign on a building wall or roof, except murals that do not convey, display or convey a commercial message.
18. Any sign that identified or advertises an activity, business, produce or service that is not longer in existence, sold, produced, etc.
19. Any illuminated tubing or strings of lights outlining property lines, open sale areas, rooflines, doors, windows, edges or walls, trees or other landscaping. This prohibition does not apply to holiday lighting during the holiday season.
20. Signs that contain profanity or are sexually oriented, explicit, obscene, or suggestive shall not be permitted within Monroe Township. See also Section 17.32 of this Resolution.
21. Any sign that obstructs or interferes with any window, door, sidewalk or fire escape.
22. Pylon signs, which are freestanding signs other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a sold base.
23. Pole signs.
24. Any abandoned sign or any sign that advertises a business no longer existing. Whenever a business is discontinued or closed, all signs relating thereto shall be removed within thirty (30) days. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, to exceed two hundred seventy (270) days shall not be considered an abandoned sign.
25. Any sign that communicates a commercial message about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists, or is conducted, sold offered maintained, or provided at a location other than the premises where the sign is located, unless otherwise specifically authorized herein.
26. Any sign that is structurally unsafe or presents a hazard to the public.
27. Any sign that, through the use of flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement, or change of sign image or text. Changing image signs do not include otherwise static signs where illumination is turned off and back on not more than once every twenty-four (24) hours. This prohibition does not apply to electronic gas state fuel price signage.

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28. Digital signs, which are signs that display static images controlled by electronic communication. This prohibition does not apply to electronic gas state fuel price signs.
29. Signs located in the public right-of-way unless said sign is regulatory sign, governmental sign or official sign that is exempt under Section 23.13.
30. Any sign not expressly permitted by this Article shall be prohibited.

### **Section 23.13 Signs Exempt from Regulations Contained in this Article**

The following sign are exempt from the regulations contained in this Article:

1. Regulatory/ Governmental Signs. Signs erected and maintained pursuant to and in discharge of any governmental function required by any law, resolution, ordinance or governmental regulation, including legal notices, warning notices, traffic signs, directional signs, information signs, or regulatory signs.
2. Indoor or Enclosed Area Signs. For the purpose of this Resolution, any sign that is indoor or in an outdoor area that is enclosed and not visible from any public road, road right-of-way, or any adjoining or nearby lot of record shall not be subject to the regulations herein. An enclosed area shall be defined as an outdoor area surrounded on all sides by a 100% opaque fence, wall, or landscape buffer. Said opaque fence, wall, or landscape buffer shall comply with all applicable standards within this Resolution.
3. Agricultural “Farm Market” Signs. For the purpose of this Resolution, any sign that is used for “farm markets” shall be exempt from these regulations in accordance with Section 519.21(C) of the Ohio Revised Code. A farm market, for the purpose of this Resolution, shall be any farm market where 50% or more of the gross income received from the market is derived from produce raised on lands owned or operated by the market operator in a normal crop year. This includes events that market the farm market in conjunction with its operation and are secondary to the production and sale of agriculture produce raised on lands owned or operated by the market operator in a normal crop year. This exemption does not exempt farm markets from complying with regulations for yard setback, size and height of the sign face and structure.
4. Official Signs. Official signs of a noncommercial nature erected by public utilities to identify line or facility locations or to advise or warn the public.

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5. Certain Flags: Flags of any government or nonprofit organization provided that:
  - a. Such flags are not being displayed in connection with a commercial promotion or an advertising devise;
  - b. Not more than three (3) such flags are being displayed at the same time;
  - c. Any such flag does not exceed fifteen (15) square feet in area; and
  - d. Any such flag flown from a standard flagpole attached to a building, with the height of the pole not to exceed fifteen (15) feet above ground; or from a freestanding standard flagpole not to exceed a height of twenty-five (25) feet above ground level. Mini flags typically displayed during governmental holidays shall be exempted.
  
6. Sign inside buildings. Any sign inside a building, provided that such sign is not attached to a window or door and that the is not legible from the lot line of the lot or parcel on which the sign is located. For the purpose of this section, a sign that rests against a window, a sign that is separated from the window by a bumper pad, or a sign that is placed within two (2) inches of the window through a handing devise, shall be considered to be attached to the window. Any sign that is attached to a window shall be regulated by the provisions for the district where the sign is located as set forth herein.
  
7. Non-Commercial Art. Works of art that do not include a commercial message.
  
8. Certain Vehicle Signs. Signs painted on or otherwise attached to a vehicle regularly operated in the pursuant of a day-to-day business or activity of an enterprise, provided, that the vehicle is not parked in a location that is visible to the public and for a period of time that indicates that the purpose of the vehicle in that location is principally for advertising or to convey a commercial message rather than for transport.
  
9. Signs authorized by the Township. Signs authorized by the Township Trustees on any governmental property which do not contain a commercial message.

### **Section 23.14 Variance Standards For Signs**

A variance from any requirement within Article 23 is customarily not granted to increase the number of signs, to increase the sign face square footage, to increase the number of sign faces, to decrease the required setback as established by this Article. A variance from any requirement within Article 23 shall only be considered when a practical difficulty pursuant to Section 5.12 and any one or more of the circumstances listed below, is present:

1. Permitted signage cannot be easily seen by passing motorists due to the configuration of existing buildings, trees or other obstructions.
2. Permitted signage cannot be easily seen by passing motorists due to the topography of the land or course of the road (i.e., sharp curve, hilly, or winding roadway).

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## Monroe Township Zoning Resolution Article 23

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3. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the width of the road, the number of moving lanes, the volume of traffic and speed limits should all be taken into consideration.
4. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
6. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course. A condition of such approval may be that if said tree(s) or obstruction(s) is removed by future development, said signs shall conform to the sign regulatory requirements at that time.

### **Section 23.15 Application for Sign Variance**

Any property owner may apply for a variance from the requirements of Article 23, according to Section 23.14 and Article 5. It is the applicant's sole responsibility to prove that there is an unnecessary hardship, thus requiring a variance as specified in Article 5.

### **Section 23.16 General Sign Permit Procedures**

1. Application. An application for a sign permit must be submitted for each sign. All applications for a sign permit of any kind shall be submitted to the Zoning Inspector on the application form provided by Monroe Township, and at a minimum shall contain the following information:
  - a. Applicant's Name
  - b. Applicant's Mailing Address
  - c. Applicant's Phone Number
  - d. Applicant's Fax Number (if applicable)
  - e. Applicant's E-Mail Address (if applicable)
  - f. Address of sign location
  - g. Name of Property Owner where sign is to be located
  - h. Property Owner's Mailing Address
  - i. Property Owner's Phone Number
  - j. Property Owner's Fax Number (if applicable)
  - k. Sign Structure Width
  - l. Sign Face Height
  - m. Sign Face Width

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## Monroe Township Zoning Resolution Article 23

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- n. Sign Type
  - o. Sign Install Date
  - p. Sign Removal Date (if applicable)
  - q. Permit from State (if applicable)
  - r. Site Plan. A site plan drawn to an appropriate scale which shows the proposed location of the sign as well as all other significant site features such as rights of way, topography, existing vegetation, and adjacent buildings and properties which may be affected by the proposal.
  - s. A scaled drawing showing the ground elevation, elevation of the highest point of the sign, the height and width of the sign structure, and the height and width of the sign face. For permanent signs, the drawing shall show how the structure is to be anchored to the ground.
  - t. A drawing of the proposed sign and its mounting system that includes an accurate rendering of the proposed sign graphic design, typography, color, and materials used for construction. For window, wall or building signs, this drawing shall include a complete elevation of the building face on which the sign will be attached.
  - u. A statement signed and notarized by the Property Owner that the Zoning Inspector is authorized to enter the property where the sign is located: (a) in order to inspect the condition or aspects of the sign to ensure compliance with this Resolution; (b) to remove any sign that is (i) placed in the right-of-way; (ii) is deemed by the Zoning Inspector to pose a safety hazard or imminent danger to the public; and (iii) has not been removed by the date set forth in the sign permit or in accordance with the regulations of this Article. Said authorization is irrevocable.
  - v. Any additional information as required by the Monroe Township Zoning Inspector to ensure the proposed sign is compliant with the Monroe Township Zoning Resolution.
2. Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the Township Trustees from time to time. Said fees are nonrefundable.
3. Completeness. Within fourteen (14) days of receiving an application for a sign permit, the Zoning Inspector shall review it for completeness. If the Zoning Inspector finds that it is complete, the application shall be processed. If the Zoning Inspector finds the application incomplete, the Zoning Inspector shall, within such fourteen (14) day period, send the applicant a notice of the specific ways in which the application is deficient, with appropriate reference to the applicable sections of this Article. The applicant shall have fourteen (14) days to remedy such deficiencies and to complete the application. If applicant fails to remedy the deficiencies within the fourteen (14) day period, the application shall not be processed, and the Zoning Inspector may return the application to the applicant with the notation of "Incomplete / Rejected."

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## Monroe Township Zoning Resolution Article 23

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4. Review. Upon submittal of a complete application for a sign permit to the Zoning Inspector, the Zoning Inspector shall have thirty (30) days to review and approve or deny said permit.

### **Section 23.17 Violations**

Any of the following shall be a violation of this Article and this Resolution and shall be subject to enforcement remedies and penalties provided by this Resolution and by State Law:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
2. To install, create, construct, or maintain any sign requiring a permit without such permit.
3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Article and/or this Resolution or for which the sign permit has lapsed.
4. Each day of continued violation shall be considered a separate violation when applying the penalty portions of this Article and/or this Resolution.
5. Where signs are not in keeping with the provisions of the Article and/or this Resolution, signs may be removed at any time as deemed by the Township.
6. Whoever violates any provision of this Article shall be guilty of a misdemeanor and shall be fined not more than \$100.00 for each violation. Each day that such violation continues shall constitute a separate offense.

### **Section 23.18 Severability**

If any provision of this Article or application thereof to any person or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions, or application thereof, of this Article which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Article are declared to be severable.

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## Monroe Township Zoning Resolution Article 24

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### TELECOMMUNICATION TOWERS REGULATIONS

Public Utilities or other functionally equivalent providers may reference a telecommunication tower as a requested conditional use in an application for Conditional Use Permit, provided the following conditions are met (in addition to any other applicable criteria):

#### **Section 24.0 Application Requirements.**

1. A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
  - a. The location of all of the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
  - b. The general location of planned future facilities, if known.
  - c. For each location shown on the preliminary development plan, there shall be listed:
    - (i) the type and size of tower at each location; including but not limited to proposed materials and all dimensions, along with a drawing or sketch of the tower;
    - (ii) the type of equipment located or proposed on each tower;
    - (iii) the space available on the tower for additional equipment;
    - (iv) the ground network, if any, served by the tower; and
    - (v) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
  - d. A site plan for the facility which is being applied for shall also be submitted containing:
    - (i) the location, type and size of existing and proposed towers, antennas and equipment located at the site;
    - (ii) the location of existing and proposed buildings and structures, access easements and parking areas; and
    - (iii) detailed drawings of the screening plan and related design standards.
  - e. A written certification from a registered professional engineer certifying the following:
    - (i) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
    - (ii) that the tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and



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## Monroe Township Zoning Resolution

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- (iii) that the tower will to the extent possible, accommodate collocation of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

#### **Section 24.1 General Requirements for all Telecommunications Towers.**

1. The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary; a description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure. If another tower is technically suitable, the applicant must show that a request to collocate was made and that such request was rejected.
2. All towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
3. The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
4. The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code.

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## Monroe Township Zoning Resolution

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5. Telecommunication Towers shall be subject to approval of a conditional use permit by the Board of Zoning Appeals in all Zoning Districts.

#### **Section 24.2 Development Standards for all Telecommunications Towers.**

1. No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) 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, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
2. The maximum height of a tower shall not exceed one hundred fifty (150) feet. **(If the tower will be located within three (3) nautical miles of the established reference point of any private/public airfield, see “Standards for Determining Obstructions Appendix 2” to determine no obstruction will be created)**
3. The tower shall not be placed closer than one hundred fifty (150) feet from any existing residential dwelling unit.
4. The minimum lot size for which a tower is to be placed shall be three (3) acres.
5. The tower shall be located no closer to a street right-of-way than fifteen (15) feet behind the established building setback line.
6. A tower shall be located no closer to any lot line than twenty percent (20%) of the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any side or rear lot line than ten (10) feet.
7. Security fencing shall be provided to prevent uncontrolled access to the tower site.
8. The lot on which the tower is to be located shall meet the minimum frontage requirements of the zoning district in which it is located.

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## Monroe Township Zoning Resolution Article 24

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9. The tower shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one (1) small identification sign not to exceed one (1) square foot in size. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
10. The tower shall be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the board of zoning appeals, the tower shall be of a non-corrosive monopole design.
11. No advertising is permitted anywhere on the telecommunications tower facility with the exception of one (1) identification sign not to exceed one (1) square foot in size.
12. The tower shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.
13. Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided too the tower.

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## Monroe Township Zoning Resolution Article 24

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14. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed. In no event, shall the tower, with any approved extension, exceed the total maximum height of one hundred fifty (150) feet.
  
15. A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items C 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum six (6) foot high solid fence or barrier and continuous hedge or trees of a size deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.

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## **Monroe Township Zoning Resolution Article 25**

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### **SOLAR ENERGY SYSTEMS**

#### **Section 25.0 General Requirements**

1. Solar Energy Systems shall meet all required Rear and Side District setbacks for the zoning district in which said Solar Energy System is located.
2. An application for zoning permit must be requested by the applicant and approved by the Monroe Township Zoning Inspector.
3. A scaled site plan must accompany the application.
4. No solar panels may be located within the front yard or on a side yard adjacent to any roadway.
5. No solar energy system shall be constructed over a septic system.
6. Height standards require the tallest point project no greater than ten (10') feet for ground mounted panels and may not occupy more than thirty (30%) of a required rear yard.
7. Panels should not be attached to any roof that faces any roadway or street.
8. A solar energy system shall be maintained in good condition. Maintenance shall include, but not limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Monroe Township Fire Department and Emergency Management Director and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s) unless accepted as a public way.
9. The solar energy system shall be maintained in good working order in accordance with standards of the existing Zoning Resolution, Failure of the property owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances or resolutions.

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## Monroe Township Zoning Resolution Article 25

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10. A solar energy system must be properly maintained and be kept free of all hazards including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Weeds and vegetation must be mowed or trimmed. In the event of a violation of any of the foregoing provisions, the Zoning Inspector shall give written notice specifying the violation to the owner of the solar energy system to conform or to remove the solar energy system.
  
11. Solar energy systems shall be subject to approval of an application for a conditional use permit by the Board of Zoning Appeals in all Zoning Districts.

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# Monroe Township Zoning Resolution

## Article 26

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### PORTABLE STORAGE UNITS

#### Section 26.0 Portable Storage Unit For Temporary Use

- A. Portable Storage Units may be permitted as a temporary use in any zoning district only in conjunction with and not to exceed the times listed for the following activities:
1. Temporary use for construction sites as accessory to and in association with an on-going construction project at such site for a period of up to one hundred and eighty (180) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.
  2. Temporary use when the occupant of the property on which the portable storage unit is located is relocating for a period not to exceed Ninety (90) total days in any three hundred sixty-five (365) consecutive day period.
- B. Portable storage units shall be subject to the following requirements:
1. A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight (8) feet in height.
  2. Not more than one (1) portable storage units shall be permitted on any property at any time.
  3. No portable storage unit shall be located in a public right-of-way.
  4. Portable storage units shall be located no closer to an adjacent property than the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
  5. Portable storage units shall only be used for the storage of personal property and for no other purpose whatsoever.
  6. The placement of portable storage units shall be in such manner as not to create a public nuisance.
  - 7) A portable storage unit is not permitted as a permanent accessory storage structure regardless of the proposed location on a property.

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## Monroe Township Zoning Resolution Article 26

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- 8) A Temporary Portable Storage Unit Permit shall be obtained prior to the placement of a portable storage unit on a property. For all temporary activities, no more than One (1) Portable Storage Permits may be issued for the same property during any three hundred sixty-five (365) consecutive day period.

### **Section 26.1 Portable Storage Unit For Conditional Use**

- A. Permanent portable storage unit shall be a conditional use in any zoning district subject to the following requirements with a Conditional Use Permit:
  1. A portable storage unit shall not exceed one hundred sixty-nine (169) square feet in size and eight and one half (8.5) feet in height.
  2. Not more than One (1) portable storage unit shall be permitted on any property at any time.
  3. No portable storage unit shall be located in a public right-of-way.
  4. Must be painted to match the exterior of the primary structure.
  5. Are only allowed on commercially-zoned properties that are surrounded entirely by other commercially-zoned properties. Must be located on a solid surface or gravel.
  6. Must be in a rear yard area and screened by a Fence or Landscaping.
  7. Portable storage units shall be located no closer to an adjacent property than the required minimum side or rear yard setback for accessory buildings in the district in which the unit is located.
  8. Portable storage units shall only be used for the storage of business property and for no other purpose whatsoever. Must be non-habitable structures (including, but not limited to, no HVAC, electric, or water/sewer) or used as an office.



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## **Monroe Township Zoning Resolution Article 26**

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9. The placement of portable storage units shall be in such manner as not to create a public nuisance.
10. A Conditional Use Permit shall be obtained prior to the placement of a portable storage unit on a property.

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## Monroe Township Zoning Resolution Appendix 1

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### AG DISTRICT APPENDIX

#### **519.21 Powers not Conferred by Chapter.**

##### Text of Statute

- A. Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, Board of Township Trustees, or BZA to prohibit the use of any land for agricultural purposes or the construction or use of building or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.
  
- B. 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 Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 [711.13.1] of the Revised Code that 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 (1) 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 thirty-five per cent 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 4503.03 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.6 of the Revised Code.

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## **Monroe Township Zoning Resolution Appendix 1**

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Division (B) of this section confers no power on any Township Zoning Commission, Board of Township Trustees, or BZA to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

C. Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or BZA to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on [that property].

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## **Monroe Township Zoning Resolution Appendix 2**

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### **STANDARDS FOR DETERMINING OBSTRUCTIONS APPENDIX**

(a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 500 feet above ground level at the site of the object.

(2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.25, §77.28, or §77.29. However, no part of the take-off or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) Fifteen feet for any other public roadway.

(3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) Twenty-three feet for a railroad, and,

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.