

PIKE TOWNSHIP ZONING RESOLUTION

A Resolution for the purpose of promoting public health, safety and general welfare; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a sound manner, the Board of Trustees of Pike Township finds it necessary and advisable to regulate the location and use of buildings and other structures; and the uses of land for trade, industry, residence and other purposes and for such purposes, divides the unincorporated area of the township into districts or zones.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF PIKE TOWNSHIP,
BROWN COUNTY, STATE OF OHIO:**

ARTICLE I

PURPOSE

SECTION 1. For the Purpose of promoting public health, safety, or general welfare; to secure the most appropriate use of land and to facilitate adequate but economical provisions of public improvements all in accordance with the provisions of Chapter 519 of the Ohio Revised Code, it is hereby provided as follows:

ARTICLE II

DISTRICTS AND BOUNDARIES

SECTION 1. DISTRICTS: The territory of Pike Township, Brown County, Ohio is hereby divided into the following Districts or Zones:

Agricultural "A" District

Residence "R" District

Commercial "B" District

Industrial "I" District

SECTION 2. DISTRICT MAP: The boundaries of these districts are indicated upon the "District Map". This map is made a part of this Resolution. The District Map is properly attested and is on file in the offices of the Pike Township Trustees.

SECTION 3. DISTRICT BOUNDARIES: The district boundaries are intended to follow the centerlines of streets or rivers and streams, corporation lines, lot lines, and where the districts shown on the district map are bounded approximately by such street, river or stream, corporation line or lot line, the same shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the district map. The district boundary lines shall be determined by the use of the scale on the district map or by dimensions.

SECTION 4. VACATION OF PUBLIC WAY: Whenever any street or other public way is vacated by official action of the Board of County Commissioners of Brown County, the zoning district on each side of such street or public way shall automatically be extended to the center of such vacated way and all such area included in the vacation shall then be subject to all regulations of the extended districts.

SECTION 5. DOUBTFUL BOUNDARIES: Whenever there may be doubt as to the location of a district boundary, the matter shall be resolved by the Board of Zoning Appeals.

ARTICLE III

DEFINITIONS

The words which are defined are those which have special or limited meanings as used in this Zoning Resolution and might not otherwise be clear. Words whose meaning is self-evident as used in this Zoning Resolution are not defined here.

1. Accessory Use or Structure: any use or structure, other than the principal use or structure, which is directly incident to or required for the enjoyment of the principal use of any premises; also as specifically designated under the zoning district regulations of this Zoning Resolution.
2. Agriculture: the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the accessory uses for packing, treating, or storing the produce thereof, provided such accessory use is secondary to that of the principal agricultural activity. *Parcel must have sufficient acreage to qualify for Current Agriculture Usage Valuation (CAUV) under the county auditor's requirements and any other requirements the county auditor may deem necessary for defining agriculture land.*¹
3. Agricultural Structure: any structure or building accessory to the principal agricultural use of the premises, however, farm dwellings are principal buildings.
4. Alteration: any change or addition to the supporting members or foundation of a structure or building.
5. Building: a structure built, maintained or intended for use for the shelter or enclosure of persons or property of any kind.
6. Dwelling: any building or portion thereof occupied or intended to be occupied exclusively for residential purposes.
 - A. Single Family Dwelling: a detached, independently standing building occupied or intended to be occupied exclusively for residential purposes by one family or housekeeping unit, and includes mobile homes and trailers.
 - B. Multiple Family Dwelling: a detached, independently standing building occupied or intended to be occupied exclusively for residential purpose by more than one (1) family or housekeeping unit.
7. Home Occupation: any occupation or activity carried on by a member of the immediate family residing on the premises.

¹. Addition to existing definition, effective 8/7/93.

8. Junkyard: any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, storage, and salvage of more than two (2) unlicensed, inoperative vehicles.

9. Lot: a parcel of land undivided by any street or road and devoted to a common use or occupied by one principal use or building.

10. Lot of Record: a lot which is recorded in the office of the County Recorder at the time this Resolution became effective.

11. Nonconforming Use or Structure: a use or structure of any premises which does not conform with the provisions of this Resolution, but which existed before the adoption and effective date of this Resolution.

12. Premises: a lot or tract of land under one ownership and all the buildings or structures on it.

13. Processing: manufacturing, packaging, repairing, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not include the fabrication of structures.

14. Retail Sales: the sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

15. Conditional Use: a use which must receive special approval from the Board of Zoning Appeals in order to be a permitted use, and before the issuance of a zoning certificate.

16. Structure: any combination of materials, fabricated to fulfill a function in a fixed location on the land, including buildings.

17. Use: use broadly refers to the activities which take place on any land or upon any premises and also refers to the structures located thereon and designed for those activities.

18. Variance: a departure from the strict conformance with the provisions of this Resolution which may be approved by the Board of Zoning Appeals.

19. Yard: the space between a lot line and the building line.

20. Development: *the dividing or preparation of a parcel or parcels of land for the purpose of establishing for present or future use, residential, commercial, or industrial property.*¹

1. Addition, effective 8/7/93.

21. Private Drive: a road for vehicle travel, built by the owner (or his/her agent) for travel from one point to another on the property, intended for private use only. Private drive can be used in Agricultural "A" District only.¹

22. Set Back Line: a line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above the ground except, as may be provided in this resolution. ²

23. Private Road: a road for vehicle travel, built by the owner or developer for travel from one point to another point and used by more than one property owner.³

24. Grandfather Clause: an exception that allows an old rule to continue to apply to some existing situations when a new rule will apply to all future situations.⁴

1. Addition, effective 8/7/93; Amended, effective 4/18/98; Amended, effective 8/19/98.

2. Addition, effective 5/7/94.

3. Addition, effective 4/18/98; Deleted, effective 9/2/2000.

4. Addition, effective 10/17/2009

ARTICLE IV
GENERAL PROVISIONS

SECTION 1. AGRICULTURAL USES AND BUILDINGS NOT AFFECTED.

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of any building or structure for agricultural purposes of the land on which such building or structure is located, and no zoning certificate shall be required for any use, building or structure for agricultural purposes.

SECTION 2. EXISTING USES AND BUILDINGS NOT AFFECTED.

Any use, building or structure existing at the time of the effective date of this Resolution may be continued, even though such use, building or structure does not conform with the provisions of this Resolution.

SECTION 3. RESTORING BUILDINGS OR STRUCTURES.

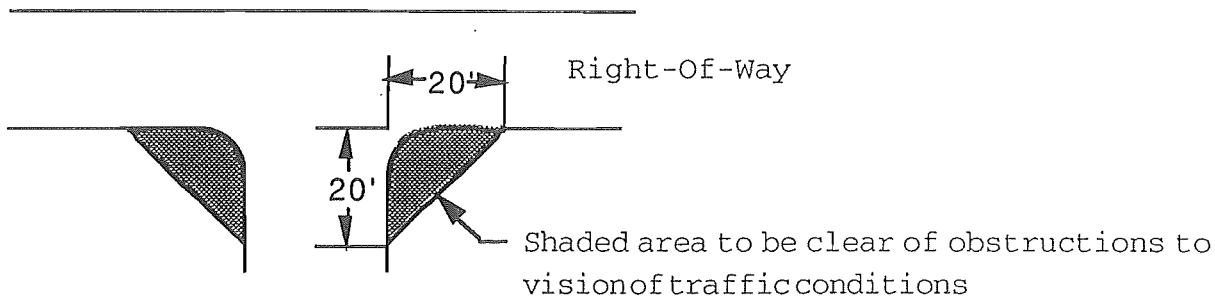
Nothing contained in this Resolution shall prohibit or prevent the maintenance, strengthening, alteration or restoring to a safe condition any part of any building or structure, and no zoning certificate shall be required for such maintenance, strengthening, alteration or restoration.

SECTION 4. USES NOT PROVIDED FOR.

Any use specifically not provided for in the provisions of this Resolution shall be assumed to be prohibited, unless stated otherwise by the Board of Zoning Appeals.

SECTION 5. OBSTRUCTIONS TO VISION AT INTERSECTIONS PROHIBITED.

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way line of an intersecting street and a railroad or the right-of-way lines of two intersecting streets, at points twenty (20) feet from the intersection of such right-of-way lines, there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street(s) and/or railroad. This applies to signs, walls, shrubbery, and other obstructions which would impair the vision of traffic conditions at any such intersection, but does not prohibit any necessary retaining wall or structure.



SECTION 6. NOISE, NUISANCE, AND CONTAMINATION.

For the protection of the health, safety and general welfare of the community, no use of land or property, whether for private, commercial or other purposes, with the exception of agricultural uses, shall create at or beyond the property lines a condition of nuisance and/or hazard with regards to noise, smoke, dust, litter, liquid effluent or other pollutant or contaminant in excess of those specified in current Brown County, State of Ohio, or Federal regulations applicable to such use of land or property. The prevailing regulations shall be interpreted as that which results in the lowest level of noise, nuisance or contaminant.

The Zoning Inspector, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in a processing or equipment operation are to be eliminated or reduced to acceptable limits and tolerances.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D. C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

SECTION 7. CONVERSION OF ACREAGE.

A. May not be converted to accommodate an increased number later without reapplying to the Zoning Commission. All changes must be approved by the Township Zoning Commission and the Pike Township Trustees.¹

B. The conversion is in compliance with all other relevant codes and resolutions.²

1. Addition, effective 5/7/94; Amended, effective 4/18/98.

2. Addition, effective 5/7/94.

ARTICLE V

ZONING DISTRICT REGULATIONS

SECTION 1. AGRICULTURAL “A” DISTRICT

A. Permitted Uses

1. Agriculture, Farming, Truck Gardening, Nurseries, Dairying, & sales of items raised on the premises.

2. Single family dwellings, including mobile homes and trailers.

a. Only one single family dwelling, including mobile homes, trailers and double wide manufactured units (must be industrial manufactured certified homes as a planned unit-cannot be two separate trailers, mobile homes or homes put together to make one unit) will be permitted per [acre] agricultural parcel, with at least fifteen (15) feet from any adjoining property line and at least sixty-five (65) feet from center of road.²

1. a. Manufactured units may not be older than five (5) years from the original date of manufacture. The manufactured home must be in good order or repair and be supported by a load-bearing permanent foundation. Well attached skirting, concrete block, or concrete around the perimeter of the trailer must conceal the space between the bottom of the trailer and the ground. There can be no additions or add-ons for the purpose of meeting the minimum square feet requirements unless manufactured by a certified manufacturer that deals with manufacturing add-ons.³

b. If public sanitary systems are utilized, the minimum lot size then shall not be less than $\frac{3}{4}$ acre.⁴

1. Addition/deletion. The word “acre” was deleted and replaced with the words “agricultural parcel”, effective 6/4/2006.

2. Addition, effective 8/24/91; Amended, effective 6/26/93 to increase setback footage; Amended, effective 4/18/98.

3. Addition, effective 4/18/98.

4. Addition, effective 6/26/93.

d. Each lot shall have a minimum of one hundred and fifty (150) feet of road frontage of public road or private drive.

1. a. A lot of less than one hundred and fifty (150) feet of public road may have a private drive of twenty (20) feet wide (property line) minimum width on a public road and no less than one hundred and fifty (150) feet long.¹

e. The minimum usable floor area of a single family dwelling shall not be less than nine hundred (900) square feet, (living area) excluding garage, basement or porch.²

f. Replacement of a non-conforming residence must be same or greater living area.³

g. Manufactured units must be in good structural condition. All previously owned or used manufactured homes or mobile homes to be installed on a lot must be free from interior and exterior structural defects and be in good repair at the time of installation.⁴

3. Publicly owned and operated properties.

4. Roadside stands offering for sale agricultural products.

5. Home Occupations.

6. Accessory buildings and uses customarily incidental to any of the above permitted uses including signs indicating the sale, lease, or hire of a building or structure or premises, or any material that is produced, manufactured, grown, or treated on the property, provided, however, that such sign shall be located off of the public right-of-way of any street or road.

a. Accessory buildings must have a setback of at least ten (10) feet from any adjoining property line and at least sixty-five (65) feet from the center of the road.⁵

1. Addition, effective 6/26/1993; Amended, effective 8/19/1998.

2. Addition, effective 6/26/1993; Amended, effective 4/18/1998.

3. Addition, effective 6/26/1993.

4. Addition, effective 4/18/1998.

5. Addition, effective 1/6/2017.

6. Accessory buildings and uses customarily incidental to any of the above permitted uses including signs indicating the sale, lease, or hire of a building of structure or premises, or any material that is produced, manufactured, grown, or treated on the property, provided, however, that such sign shall be located off of the public right-of-way of any street or road

B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.

1. Extraction, processing and storing of Minerals or Raw Materials which are extracted from the same property on which they are to be processed, treated, or stored.

The Board of Zoning Appeals may grant approval and may attach such conditions and safeguards as it deems necessary to protect neighboring properties from fire hazards or smoke, dust, noise, odor or any other detrimental or obnoxious effects which may result from the proposed activity. In addition the Board of Zoning Appeals may require a written agreement from the owners of such operation that the land involved shall be reclaimed to as near an original state as is practical.

2. Cemeteries.
3. Amusement parks, playgrounds, golf courses and other privately owned outdoor recreational activities.
4. Drive-in Theaters subject to the following conditions:
 - a. The applicant presents plans and specifications for the proposed theater in a form suitable for making the determination required herein.
 - b. There is approval of the plan of access to and from the highway from the agency responsible for the maintenance of said highway.
 - c. The entrances and exits to the highway shall be located, where possible, so as to afford unobstructed sight distance for five hundred (500) feet in each direction along said highway.
 - d. All buildings and structures (excluding fences) shall be located at least one hundred (100) feet from any property line.
 - e. The picture screen shall not face or be placed so as it may be viewed from any street, and shall be screened from view by trees or fence, from any residence.
 - f. Provisions shall be made to subdue speaker sounds when the theater abuts a residence or residential district.
5. Commercial Radio and television transmitters and relay antennas.
6. Sanitariums.
7. Private airports and landing fields.

C. Uses Prohibited

1. All establishments or activities operated publicly or privately for the disposal or storage of garbage, rubbish, offal, or other waste or surplus material not originating upon the premises.
2. Junkyards.
3. *Developments.*¹
4. *Sexual Oriented Business.*²
5. *Any other use not specifically permitted in this Section.*³

1. Addition, effective 8/7/93

2. Addition, effective 9/2/00

3. Amended, effective 8/7/93 (moved to #5 to accommodate the addition of Developments and Sexual Oriented Business.)

SECTION 2. RESIDENCE “R” DISTRICT

A. Uses Permitted

1. Any use, building or structure permitted and as regulated in the Agricultural “A: District, except as modified by this Section.
2. Multiple family dwellings and the conversion of single family dwellings to multiple family dwellings.
3. Churches and other places of worship, including Sunday School buildings and parish houses.
4. Public and Private schools, including nursery schools and child day care centers.
5. Home occupations.
6. Accessory Uses and buildings customarily incidental to any of the above permitted.
7. *Developments. A development must be platted, recorded and lots and roadways approved by the Zoning Inspector and the Board of Trustees. The road(s) must be built prior to zoning certificates being issued or approved. The road(s) must meet the following requirements: Road(s) must be dug out eight (8) inches, No. two’s (2) gravel must be laid eight (8) inches in the road bed, two (2) inches of crusher run gravel must cover the No. two’s (2). Road(s) must be a minimum of twenty-five feet (25’) wide, excluding ditches. Road(s) must have proper drainage with twelve (12) inch diameter culverts or larger as needed for the road bed and twelve (12) inch diameter or larger culverts for individual drive ways. (In order for a road to be dedicated, it must meet Brown County Engineer Specifications). **Land divided into three (3) or more parcels of less than twenty (20) acres will be considered a development. All land divided into five (5) or more parcels of less than twenty (20) acres will be considered a subdivision.**¹ All roads in a subdivision must meet the Brown County Engineer Specifications.²*

(Note: The word “private” has been deleted from roads in #7. Developments)

1. Change, effective 6/4/2006, adding bold copy reading “...3 or more parcels of less than twenty (20) acres....” and “.....divided into five (5) or more parcels of less than twenty (20) acres.....”
2. Deletion, effective 9/2/2000; The word “private” deleted from roads in #7. Developments.

- a. *The minimum usable floor area of a single family dwelling shall not be less than eleven hundred (1100) square feet, (living area), excluding garage, basement, or porch.*
- b. *No single wide manufactured home allowed.*¹

B. Permitted uses requiring a Conditional Use Permit from the Board of Zoning Appeals.

1. Playgrounds, golf courses and other privately or publicly owned outdoor recreational activities (except miniature golf and practice driving ranges, and other similar uses the chief activity of which is customarily carried on as a business), provided that any building shall be located at least one hundred (100) feet from any residence.
2. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, provided that such building be located at least one hundred (100) feet from any residence.

C. Uses Prohibited.

1. All uses prohibited in the Agricultural "A" District and any use not specifically permitted by this Section is prohibited in the Residence "R" District.

1. Addition, effective 8/7/93; Amended, effective 4/18/98, the entire 7. Developments; change effective 6/4/2006.

SECTION 3. COMMERCIAL "B" DISTRICT.

A. Uses Permitted

1. Any use, building or structure permitted and as regulated in the Residence "R" District, except as modified by this section.
2. Retail stores or shops, repair shops, mercantile establishments, banks and other financial services.
3. Restaurants, taverns, lunch rooms, diners, including drive-in eating and drinking establishments.
4. Gasoline and motor vehicle fuel filling stations.
5. Business and professional offices, including medical offices and clinics.
6. Barbershops and beautyshops, laundromats and drycleaning, tailoring and dressmaking, and other similar personal services.
7. Automobile, truck, trailer, mobile home, and other vehicle establishment offering the sale, display, lease, hire, and/or major repair of vehicles.
8. Building material sales and storage yards, including millwork and prefabrication.
9. Bowling alleys, dance halls, billiard and pool halls, skating rinks, and similar indoor recreational uses.
10. Miniature golf courses and practice driving ranges, and similar outdoor recreational uses which are normally operated as a business.
11. Animal hospitals, veterinary clinics and kennels.
12. Wholesale sales and warehouse which are operated within a completely enclosed building.
13. Bottling, creamery and dairy operations, ice cream and candy manufacturing, ice plants and distribution centers.
14. Accessory uses and buildings or structure incidental to any of the above permitted uses.
15. Any use determined by the Board of Zoning Appeals to be of the same general character as the above uses.

B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals

1. Any Conditional Use as permitted and as regulated in the Residence "R" District.
2. Commercial baseball fields, swimming pools, shooting ranges, and similar outdoor recreational uses.

3. Trucking, express or hauling terminals or transfer terminals including the storage of vehicles.
4. Storage of flammable liquids, above ground, other than for use on the premises.
5. *Sexual Oriented Business*

a. Purpose

It is the Purpose and intent of the Section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent nor effect of, this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Section to condone or legitimize the distribution of obscene material.

b. Classification of Sexually Oriented Businesses

Sexually oriented businesses are classified and include the following:

- i. adult arcade;
- ii. adult bookstore, adult novelty store or adult video store;
- iii. adult cabaret;
- iv. adult motel;
- v. adult motion picture theater;
- vi. adult theaters;
- vii. escort;
- viii. escort agency;
- ix. massage parlor;
- x. nude model studio; or
- xi. sexual encounter establishment.

c. Location Restrictions and Requirements for Sexually Oriented Businesses.

Sexually oriented business shall be permitted only in Commercial "B" District, under Article 5 Section 3. In addition, any sexually oriented business shall be subject to the following restrictions:

- i. No sexually oriented business shall be operated within one thousand (1000) feet of the property line of: (a) any religious place of worship; (b) any school, boys club, girls club, dance, gymnastics studio, or similar existing youth organization; (c) a public park; (d) any property zoned for residential purposes.
- ii. No sexually oriented business shall be operated within one thousand (1000) feet of the property line of another such business, which will include any adult arcade,

adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.

- iii. No more than one sexually oriented business shall be operated, established, or maintained within the same building, structures, or portion thereof, as another sexually oriented business.
- iv. Nothing in this Article shall prohibit a person appearing in a state of nudity for a modeling class operated.
 - (a). by a proprietary school, licensed by the State of Ohio; a college, junior college, or university supported entirely or partly by taxation;
 - (b). by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (c) in a structure;
 - (i) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - (ii) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (iii) where no more than one nude model is on the premises at any one time.

d. Measurement of Distance.

As regarding Section 3., b and c, distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the property line of each business. The distance between any sexually oriented business and any religious place of worship, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or any properties zoned for residential use shall also be measured in a straight line, without regard to intervening structures or objects from the property line where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or any properties zoned for residential use.

e. Permit Required.

- i. No sexually oriented business shall be permitted to operate without a Zoning Certificate (conditional use permit) for a sexually oriented business permit issued by the Township for the particular type of business.
- ii. The completed application shall contain the following information and shall be accompanied by the following documents:

(a) A map, drawn to a scale sufficient and marked to indicate all land uses within one thousand (1000) feet of the property lines to be certified; the property lines of any established religious place of worship, synagogue, school, or public park or recreation area within one thousand (1000) feet of the property to be certified; and the property lines of any residentially zoned area within one thousand (1000) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

f. Advertising and Lighting.

- i. No sign, advertisement, promotional material, or display of any type shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, public or semipublic areas, nor the public right-of-way of any street or roadway except as permitted under paragraph 4 of this section.
- ii. No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising, which is visible outside the premises. This prohibition shall not extend to advertising of the existence of location of such sexually oriented business.
- iii. The permittee shall not allow any portion of the interior premises to be visible from outside the premises
- iv. All off-street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under Paragraph v of this section and shall be illuminated from dusk to closing hours of operation with lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or "walkways". This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch of diagram of the premise.
- v. All parking shall be off street. Off street parking shall be provided with a minimum of one (1) parking space for each twenty five (25) square feet of floor space in the building.
- vi. Nothing contained in this Section of the Article shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or any subsequently enacted resolutions.

g. Definitions.

For the purposes of this Section, certain terms and words are defined as following:

i. Sexually Oriented Businesses are those businesses defined as follows:

(a). **Adult Arcade** means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(b). **Adult Bookstore, Adult Novelty Store or Adult Video Store** means a commercial establishment which 50% or more of its stock-in-trade or derives 50% or more of its revenues or 50% or more of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following.

(i). books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas;

(ii). instruments, devices, or paraphernalia which are designed for use or marked primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;

(iii) an establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

(c). **Adult Cabaret** means a nightclub, bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverage are served, in which persons appear in a state of nudity in the performance of their duties.

(d). **Adult Motel** means a motel, hotel or similar commercial establishment which:

(i) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, film, motion pictures, video cassettes, slides or other photographic

reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or

(ii). offers a sleeping room for rent for a period of time less than ten (10) hours; or

(iii). allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

- (e). **Adult Motion Picture Theater** means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- (f). **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
- (g). **Escort** means a person who, for any form, of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h). **Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (i). **Massage Parlor** means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor, by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
- (j). **Nude Model Studio** means any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

- (k). **Sexual Encounter Establishment** means a business or commercial establishment, that as one of its primary business purposes offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities where one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- ii. **Nudity or State of Nudity** means the showing of either of the following:
- (a) The human male or female genital, public area, or buttocks with less than a fully opaque covering;
 - (b) The female breast with less than a fully opaque covering on any part of the nipple/areola of the female breast.
- iii. **Operator** means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.
- iv. **Permitted or Licensed Premises** means any premises that requires a license and/or permit and that is classified as a sexually oriented business.
- v. **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- vi. **Public Park or Recreation Area** means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners, or another public agency or entity.
- vii. **Religious place of worship** means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- viii. **Residential District** means districts designated as Agricultural "A" district, Residence "R" district, in the Pike Township Zoning Resolution.
- ix. **School** mean any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, ballet or gymnastics academies of facilities, Kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, continuation schools, special

education schools, junior colleges, and universities. Schools includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

- x. **Semi-Nude** means a state of dress in which clothing covers no more than the genitals, pubic region, and nipple/areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- xi. **Sexually Oriented Business** means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, massage parlor, sexual encounter establishment, escort agency or nude model studio.
- xii. **Specified Anatomical Areas** means and includes any of the following:
 - (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or
 - (b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- xiii. **Specified Sexual Activities** mean and includes any of the following:
 - (a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) Sex acts normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) Masturbation, actual or simulated
 - (d) Human genitals in a state of sexual stimulation, arousal or tumescence;
 - (e) Excretory functions as part of or in connection with any of the activities set forth in subdivision (a) through (d) of this subsection.

C. Uses Prohibited.

Any uses not specifically permitted by this Section are prohibited in the Commercial "B" District.

SECTION 4. Industrial "I" District

A. Uses Permitted.

1. Light manufacturing activities, (including the production, processing, assembly, cleaning, testing, and distribution of materials, goods, foodstuffs, and products) provided such activities are carried on, within fully enclosed buildings or structures and do not involve or create a dangerous, toxic, hazardous or explosive, non-fuel product as a result of such activity.
2. Light industrial uses such as printing and publishing plants, scientific (research, testing, experimental) and processing laboratories, bulk material or machinery storage, warehouses, trade shops, cleaning, dyeing, and refinishing plants, monument works, light metal fabrication shops, food processing and packing plants, provided such uses are carried on within fully enclosed buildings or structures.
3. Accessory buildings, structures and uses incidental to the above permitted uses.
4. Any other light industrial use as determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.

B. Permitted Uses requiring a Conditional Use Permit from the Board of Zoning Appeals.

1. Airports and Heliports;

Mixing plants for asphalt, cement, mortar or plaster; fuel generation or resource recovery plants; commercial grain elevators, meatpacking and slaughter houses and commercial stockyards operated on a continuing basis.

2. Heavy manufacturing facilities such as foundries and structural metal fabrication plants, chemical distilling or manufacture, motor and rail terminals, or the manufacture of raw materials.

3. Junkyards provided such use be located not less than one hundred (100) feet from any street, road, residence, school, hospital or human care facility, and is enclosed on all sides by barrier or fence at least six (6) feet in height, and constructed and maintained of non-transparent material so as to obscure the junkyard from ordinary view.

4. Any use or activity that requires unenclosed structures of the storage of bulk materials, equipment, or raw materials, components of finished products or products outside of unenclosed buildings.
5. Any use or activity involving a dangerous, toxic, hazardous or explosive material or non-fuel liquid in the manufacture or process activity or as a finished component, product or by-product.
6. Any other industrial or manufacturing use as determined by the Board of Zoning Appeals to be of a similar character as the above permitted uses and will not emit noise, dust, vibration, heat, odor or other negative effects beyond the limits of its lot.

C. Uses Prohibited.

1. Any use or activity not specifically provided for by this Section are prohibited in the Industrial "I" District.

ARTICLE VI

ENFORCEMENT

SECTION 1. Zoning Inspector.

A. It shall be the duty of the Zoning Inspector, who shall be appointed by the Pike Township Board of Trustees, to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him/*her* any new construction, land uses, or upon seeing violations.

B. Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article VII, Section 2.

SECTION 2. Filing Plans.

Every application for a zoning certificate shall be accompanied by a sketch or drawing indicating the location of all buildings or structures to be erected in relation to all property lines and street lines.

SECTION 3. Zoning Certificate.

A. It shall be a violation of this Resolution for an owner to use or to permit the use of any building, premises or land, except for agricultural purposes, until a zoning certificate shall have been issued by the Zoning Inspector. Such certificate shall show that such building or premises, and the proposed use thereof, are in conformity with the provisions of this Resolution. No zoning certificate for construction shall be issued by the Zoning Inspector unless the plans and intended use conform to the provisions of this Resolution.

B. Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building, premises or use of land existing at the time of the effective date of this Resolution which states the extent and kind of use made of the building or premises and whether such use is in conformance with the provisions of this Resolution.

SECTION 4. Conditions Under Which Zoning Certificates are Required.

A. A zoning certificate shall be required for any of the following:

1. Construction of any building, excluding agricultural buildings.
2. Change in the use of an existing building to a use of a different zoning classification, excluding a change to any agricultural use.
3. Occupancy and use of vacant land, excluding agricultural use.
4. Change in the use of land to a use of a different classification including a change in the use of a non-conforming use.

SECTION 5. Application and Issuance of Zoning Certificate

A. Written application for a zoning certificate for the construction of a building, change in the use of an existing building, use of vacant land, or the change in the use of land or a non-conforming use, shall be made to the Zoning Inspector. If the proposed use is in conformance with the provisions of this Resolution, the Zoning Inspector shall issue the Zoning Certificate therefore within ten (10) days after the application has been made.

B. Upon written request from the owner or tenant, the Zoning Inspector may issue a zoning certificate in the form of a temporary and revocable permit not to exceed more than a twelve (12) month period, for temporary residence, office or security station during construction of permanent housing, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Extensions will only be granted by the Board of Zoning Appeals.¹

SECTION 6. Violations and Penalties

It shall be a violation of this Resolution to locate, erect, construct, change or use any building or land contrary to the provisions of this Resolution or any amendment or supplement as adopted by the Board of Township Trustees. Any person, firm, corporation violating any provision or regulation of this Resolution or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than one hundred (\$100.00) dollars. Each and every day such violation continues, may be deemed a separate offense.

SECTION 7. Violations and Remedies

In the event any building is or is proposed to be located, erected, constructed, changed or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent property owner who would be specifically damaged by such violation may institute such remedies as provided by law to prevent, enjoin, abate or remove such violation.

ARTICLE VII

BOARD OF ZONING APPEALS

SECTION 1. Organization and Procedure:

A. Appointment. A Township Board of Zoning Appeals is hereby created. The Board shall consist of five (5) members, to be appointed by the Township Trustees. Members shall be residents of Pike Township, Brown County, Ohio. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his/¹her successor is appointed and qualified. Member of the Board shall be removable for non-performance of duty, misconduct in office, or other cause, by the Trustees, upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his/²her usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

B. Organization and Procedure. The Board shall organize and adopt rules for its own government not inconsistent with law or with any other Resolutions of the Township.

1. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his/³her absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep Minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Township Clerk and shall be a public record.

2. Quorum. Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

1. Amended, effective 8/7/93.
2. Amended, effective 8/7/93.
3. Amended, effective 8/7/93.

SECTION 2. Applications and Appeals:

A. Applications. An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board.

B. Appeals.

1. An appeal to the Board may be taken by any person aggrieved or by an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of the facts stated in the certificate, a stay would *cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by a restraining order issued by a court of equity.*¹

3. The Board may in conformity with the provisions of this Article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

SECTION 3. Hearings:

A. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof and at least ten (10) days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee payable to Pike Township, which will be credited to the Township Zoning Fund, herein specified. At this hearing, any party may appear in person or by attorney.

1. Amended, effective 5/7/94 .

B. The hearing of the Board shall be public.

C. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

SECTION 4. Decisions of the Board:

A. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

B. A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him/*her*¹ and he/*she*² shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

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

SECTION 5. Powers of the Board of Appeals:

A. Conditional Uses.

1. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications, filed as herein before provided, for conditional uses, for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditional use or, the Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation--in addition to those expressly stipulated in this Resolution for the particular conditional use--as the Board may deem necessary for the protection of adjacent properties and the public interest.

1. Amended, effective 8/7/93.
2. Amended, effective 8/7/93.

2. In addition to permitting the conditional uses herein before specified, the Board shall have the power to permit the following conditional uses:

a. Non-Conforming Uses.

i. The substitution for non-conforming use existing at the time of enactment of this Resolution, for another non-conforming use, if no structural alterations except those required by law or resolution, are made.

ii. The moving, reconstruction, extension, enlargement, or alteration of non-conforming buildings or structures upon the lot occupied by such buildings or structures or on an adjoining lot providing that such lot was under the same ownership as the lot in question at the time the use of the building or premises became non-conforming, and that such changes are necessary and incidental to such existing non-conforming uses; provided that such reconstruction, extension, enlargement or alteration of existing non-conforming buildings or structures shall not create a combined ground-floor expansion in excess of one hundred (100) per cent of that existing at the time of the use of such buildings or structures became non-conforming; and provided that the expansion of the land area devoted to a non-conforming use shall not exceed one hundred (100) percent of the area so used at the time of the premises became non-conforming (and provided that such extension or expansion shall, in any case, be undertaken within five (5) years of the enactment of this Resolution) and provided further that the extension or enlargement shall not extend the useful life of a non-conforming building or shall not violate the provision of this Resolution with respect to any adjoining premises.

b. Extension of Use on Border of District. The extension of a use or building into a more restricted district immediately adjacent thereto but not more than twenty-five (25) feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.

c. Temporary Structures and Uses. The temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this Resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revokable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

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

C. Administrative Review and Variances.

1. Administrative Review. The Board shall have the power to hear and decide appeals, filed as herein provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector or other official in the interpretation or of the provisions of this Resolution.

2. Variances. The Board shall have the power to authorize upon appeal in specific cases, filed as herein provided such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause undue and unnecessary hardship.

3. Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution or by reason of exceptional topographic conditions or other extraordinary situation of condition of such piece of property or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulties or would cause undue hardship--necessary to carry out the spirit and purpose of this Resolution--the Board shall have power to authorize a variance from such strict application, so as to relieve such hardship, and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee as it may deem necessary that the conditions attached are being and will be complied with.¹

(Note: The words or bond have been deleted in #3.)

1. Deletion, Effective 9/2/00; The words or bond deleted from #3 in the original resolution.

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

- (a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to the other properties or classes of uses in the same zoning district.
- (b) That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same Zoning District and in the same vicinity.
- (c) That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest.

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

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

ARTICLE VIII

INTERPRETATION, PURPOSE, AND CONFLICT

SECTION 1.

A. In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or it intended by this Resolution to interfere or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolution or agreements, the provisions of this Resolution shall control.

B. Whenever there is a conflict in the interpretation of language, punctuation, typo's, misprints or meanings of the contents of this Resolution, the decision and interpretation of the Board of Appeals will prevail.¹

1. Addition, effective 8/7/93.

ARTICLE IX

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

SECTION 1. Initiation of Amendments or Supplements.

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

SECTION 2. Application Procedure for Change in Zoning Districts.

A. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of the facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

B. Names and Addresses of Adjacent Property Owners. Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.

SECTION 3. Public Hearing of Zoning Commission

A. Upon the adoption of a motion by the Zoning Commission, or the Certification of a resolution by the Board of Trustees, or filing of an application for an amendment or supplement, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the adoption of such motion or the certification of such resolution or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least 10¹ days before the date of such hearing.

B. Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail 10² days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

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

SECTION 4. Public Hearing of Township Trustees.

A. The Board of Township Trustees shall, upon receipt of recommendation from the Township Zoning Commission, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one publication in one or more newspapers of general circulation in the township, at least 10³ days before the date of such hearing.

1. Amended to change number of days, Compliance of State Code 519.12; effective 5/7/94.
2. Amended to change number of days, Compliance of State Code 519.12; effective 5/7/94.
3. Amended to change number of days, Compliance of State Code 519.12; effective 5/7/94.

B. Written notice of the hearing shall be mailed by the Township Clerk to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail *10 days*¹ before such hearing to the addresses of such owners appearing on the current tax roll list, or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

SECTION 5. Action of Township Trustees.

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

SECTION 6. Effective Date and Referendum.

A. An amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the Zoning Plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

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

1. Amended to change number of days, Compliance of State Code 519.12; effective 5/7/94.

ARTICLE X

FEES

The Township shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Certificates, Applications for Interpretation, Variances and Amendment Applications to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this Resolution. Such fees shall be paid to the appropriate Township Official and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Pike Township Trustees and posted at the Township Hall.

ARTICLE XI

VALIDITY

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason to be held invalid, such decision shall not affect the validity of the remaining portions of this Resolution. All resolutions or parts of resolution of Pike Township, in conflict with any regulation, provision, amendment or supplement of this Resolution, are to the extent of such conflict hereby repealed.

ARTICLE XII

EFFECTIVE DATE

This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Adopted this May 14, 1983

*WALTER HENDERSON
OVA NEAL
WILLIAM C. OGDEN, JR.*

*Board of Township Trustees
of Pike Township
Brown County, Ohio*

Election results certified August 1, 1984