ARTICLE I GENERAL PROVISIONS

SECTION 100 - AUTHORITY AND PURPOSE FOR ZONING RESOLUTION

100.01 - AUTHORITY

This Zoning Resolution is adopted under authority granted to Ohio townships by the Legislature of the State of Ohio in Chapter 519, **Ohio Revised Code.** This Resolution and all provisions contained herein shall be known as the Blendon Township Zoning Resolution and may be cited as such or as the Zoning Resolution.

100.02 - PURPOSE OF ZONING

The purpose of this Zoning Resolution is as prescribed by Section 519.02, **Ohio Revised Code.**

SECTION 105 - SCOPE OF THE ZONING RESOLUTION

105.01 - TERRITORIAL LIMITS

The provisions of this Zoning Resolution shall apply to all land in the unincorporated territory of Blendon Township Franklin County, Ohio**.**

SECTION 110 - APPLICATION OF THE ZONING RESOLUTION

110.01 - EXEMPT FROM REGULATION

The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except agriculture, public utilities and railroads as are now specifically exempt by law or as may be hereafter amended by law or as is exempted by paragraph 110.015.

110.11 - AGRICULTURE

a.) As used in this section, agriculture includes farming, ranching, algaculture meaning the farming of algae, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to the care and raising of livestock, equine and fur bearing animals; poultry husbandry, and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with but are secondary to, such husbandry or production.

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five acres and no zoning certificate shall be required for any such building or structure. **(Ohio Revised Code** 519.01.)

b.) In any platted subdivision approved under ORC section 711.05, 711.09, or 711.10 or an 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 (1) 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, agriculture shall be regulated by the following provisions and SECTION 115 - REGULATION OF AGRICULTURE:

- Agriculture is prohibited on lots of one (1) acre or less, except as permitted under SECTION 115 - REGULATION OF AGRICULTURE. This does not prohibit gardening related to a residence.

- Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to setbacks, size and height requirements for the underlying zone and any applicable provisions of SECTION 115 – REGULATION OF AGRICULTURE.

- Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty five percent (35%) of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a non-conforming use pursuant to section 519. 19 of the Ohio Revised Code. No new dairying, animal or poultry husbandry shall commence on such lots after thirty five percent (35%) of the lots are developed with structures.

Note: Agriculture, agricultural structures, dairying, animal and poultry husbandry on lots greater than five (5) acres in size are zoning exempt. (Agricultural structures must meet floodplain regulations in flood prone areas.)

- Farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year are permitted in any zone, subject to the following regulations.

1. Buildings less than one hundred and forty-four (144) square feet must be placed at least fifteen (15) feet outside the road right-of-way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking. Permanent farm markets must be paved or graveled parking.

2. For buildings larger than one hundred and forty-four (144) square feet, off-street parking must be provided at the ratio of one (1) space for each four hundred (400) square feet of farm market. Seasonal parking may be grassed areas, but permanent parking must be graveled or paved and provided egress in accordance with the recommendation of Blendon Township. Setbacks are the same as for any structure in the underlying zone.

110.12 - PUBLIC UTILITIES AND RAILROADS

Public utilities or railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business except as otherwise provided for in Section 302.0394. (**Ohio Revised Code** 303.21)

110.13 - SALE OR USE OF ALCOHOLIC BEVERAGES

The sale or use of alcoholic beverages shall not be prohibited by zoning in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted. (Section 519.211 , **Ohio Revised Code)**

110.14 - OUTDOOR ADVERTISING

Outdoor advertising shall be classified as a business use and be permitted (and regulated by Section 541 of this ordinance) in all districts zoned for industry, business, trade or lands used for agricultural purposes. (**Ohio Revised Code** 519.20

110.15 - GOVERNMENTAL FUNCTIONS

Any Blendon Township activity carried on for the purpose of administrative, protective, executive, legislative or judicial function shall not be prohibited.

110.02 - DEVELOPMENT

New development, including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

110.21 - NEW SUBDIVISION

The subdivision or resubdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located.

110.22 - NEW STRUCTURES

New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Resolution and in accordance with the **Subdivision Regulations of Franklin County, Ohio,** and shall conform with the **development standards** of the Zoning Districts in which such construction is permitted, except as is otherwise provided for in paragraph 110.041.

110.23 - NEW USES

Any new use of land or structure shall be a permitted use or a conditional use for the Zoning District in which such use is to be located.

110.03 - EXISTING CONFORMING LOTS, STRUCTURES OR USES

Lots, structures or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued and may be altered, extended or changed in accordance with the following:

110.31 - CONFORMING LOTS

A conforming lot may be changed, altered, enlarged or reduced in dimension; provided however, that the remaining lot and/or resulting lots shall conform to the **development standards** for the Zoning District in which the lot is located.

110.32 - CONFORMING STRUCTURES

A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the **development standards** of the Zoning District in which the structure is located.

110.33 - CONFORMING USES

A conforming use may be expanded, modified or changed only in such a manner as will comply with the **permitted uses,** or **conditional use** regulations and with the development standards of the Zoning District in which the conforming use islocated.

110.04 - NON-CONFORMING LOTS, STRUCTURES OR USES

Existing lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning District in which they are located shall be considered as non-conforming.

It is the intent of this Zoning Resolution to permit these non-conforming situations to continue until they are removed, but not to encourage their continued use or expansion, except as follows:

110.41 - NON-CONFORMING LOTS

The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on a lot or parcel of record which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located, provided current setbacks and separations between structures can be met and public health requirements are satisfied for water supply and wastewater disposal, and the lot abuts a public street.

The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on a non-conforming lot of record having at least sixty (60) feet abutment on an improved, publicly maintained right-of-way.

Variance of any other development standard as described above, shall be obtained only through action ofthe Board of Zoning Appeals in accordance with the provisions of ARTICLE VIII BOARD OF ZONING APPEALS.

Such non-conforming lots which must, for public health purposes, construct on-site water supply and/or wastewater disposal systems, may not divide or convey adjacent lots in common ownership and of continuous frontage with other land in the same ownership on the effective date of this amendment to the Zoning Resolution, if such conveyance would plunge the effective lot size below that required for public health standards. Otherwise, development shall be permitted only in accordance with the **development standards** of the Zoning District in which such ownership is located.

110.42 - NON-CONFORMING STRUCTURES AND DEVELOPMENT

Structures and/or accessory development, which by reason of size, type and/or location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered,reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the **development standards** of the Zoning District in which the structure and/or accessory development is located.

Such alteration, reconstruction, or extension shall include such additional development and compliance with the **development standards** of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

110.43 - NON-CONFORMING USES

The non-conforming use of a lot and/or a structure may be continued, expanded or changed, subject to the following:

1. Change of a non-conforming use shall be allowed to a **permitted use** of the Zoning District in which the non-conforming use is located.

2. On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.

3. On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be expanded

4. No non-conforming use may be reestablished where such non-conforming use has been discontinued for a period of at least two (2) years. The non-conforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any calamity, provided the building or structure has not been destroyed to an extent of more than one-half (1/2) of its fair value, and provided such reconstruction is started within twelve (12) months of such calamity and is continued in a reasonable manner until complete.