

ARTICLE XII
"ID" INDUSTRIAL DEVELOPMENT DISTRICT REGULATIONS

- Sec. 112 Purpose: The regulations set forth in this Article, or set forth elsewhere in the Resolution when referred to in this Article, are the district regulations in the "ID" Industrial Development District. The purpose of this district is to improve the quality of commercial, research, and industrial use and enhance its value and to provide a significant area where commercial, research, and industrial development may be encouraged and guided for the benefit of the total community.
- Sec. 112.2 Permitted and Prohibited Uses: A building or premises may be used for any purpose except the following prohibited uses:
- Sec. 112.2.2 Uses in conflict with any applicable resolution of Anderson Township or Hamilton County, or any applicable law of the State of Ohio or the United States of America.
- Sec. 112.2.4 Dwellings except those used for watchmen or operators whose continuous presence is reasonably necessary on the premises. However, the floor area of any dwelling which is a Non-Conforming Use as of the effective date of this amendment may be increased by not more than 50% of the floor area existing as of the effective date of this amendment.
- Sec. 112.2.6 Except as provided in Sec. 147 (A) (9), mobile homes as defined in Sec. 31.46-2 and manufactured homes as defined in Sec. 31.46-1 of this Resolution or structures not meeting building code requirements for permanent structures.
- Sec. 112.2.8 Abattoirs, tanneries, slaughter houses or stockyards.
- Sec. 112.2.10 Acid manufacture or wholesale storage thereof.
- Sec. 112.2.12 Cement, lime, gypsum or plaster of paris manufacture.
- Sec. 112.2.14 Distillation of bones.
- Sec. 112.2.16 Explosive manufacture or storage, including fireworks.
- Sec. 112.2.18 Fat rendering.
- Sec. 112.2.20 Fertilizer manufacture.
- Sec. 112.2.22 Dumps; temporary or permanent disposal or dumping of any unwanted residual solid or semisolid material which results from industrial, commercial, research, agricultural, or community operations, or any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form. The foregoing, by way of example and not of limitation, includes garbage, construction debris, radioactive material, products derived from petroleum or petroleum distillates, offal, dead animals or animal parts or products, and any combustible material. The foregoing does not include earth, sand, rock, or concrete, or any non-hazardous noncombustible material. "Disposal or dumping" means any discharge, deposit, injection, spilling, leaking, emitting, or placing into or on any land or ground or surface water or aquifer or into the air, unless such disposal or dumping constitutes storage or treatment, or, as to discharges or emissions into the air, is permitted by

applicable state or federal law or regulation.

- Sec. 112.2.24 Gas manufactures.
- Sec. 112.2.26 Glue manufacture, except as incidental to a permitted or Conditional Use.
- Sec. 112.2.28 Petroleum or petroleum products refining or processing.
- Sec. 112.2.30 Smelting or chemical reduction of ores, minerals or metallurgical products.
- Sec. 112.2.32 Manufacture, storage, processing or use of radioactive material, except where incidental to a permitted or Conditional Use.
- Sec. 112.2.34 Incinerators, except as incidental to a permitted or Conditional Use, or when operated solely to control emissions, and then only as permitted by applicable state or federal law or regulation.
- Sec. 112.2.36 Crematoria.
- Sec. 112.2.38 Paper manufacture.
- Sec. 112.2.40 Junk yards, waste separation facilities, and recycling facilities.
- Sec. 112.2.42 Adult Entertainment or related activity (including activities described in Section 332.A), except when meeting the criteria provided in Article XXXIII of this Resolution.
- Sec. 114 Conditional Uses: Except as provided in Sec. 114.18, no building or premises shall be used for any of the following uses until and unless a special zoning certificate shall have been authorized and issued by the Board of Zoning Appeals in the manner provided in this Article and in Article XVIII of this Resolution:
 - Sec. 114.2 Extraction and Related Operations: Extracting, excavating, mining or processing of sand, rock and/or gravel.
 - Sec. 114.4 Processing, Manufacturing and Other Operations: Processing, manufacturing or storage of mulch, compost or related materials.
 - Sec. 114.6 Food Processing: Food processing, distillation, or packing.
 - Sec. 114.8 Storage and Distribution Facilities: Storage or wholesale distribution facilities, warehouses or transportation terminals, except as incidental to permitted uses or authorized Conditional Uses.
 - Sec. 114.10 Floodplain Uses: Any use in the floodplain, including the floodway, flood fringe, and the special flood hazard area.
 - Sec. 114.12 Regulated Substances: Any facility used for or permitting the storage, use, or local transport of Regulated Substances, as defined in this Sec. 114.12, in areas having a Pollution Potential Index of 180 or higher, or areas with gravel pits or quarries, all as shown on the Map of Ground-Water Pollution Potential of Hamilton County, published by the Ohio Department of Natural Resources, 1989 edition, as the same

may be from time to time revised ("GWPP Map").

Sec. 114.12.2 Regulated Substances subject to Conditional Use review are defined as substances, chemicals or mixtures that are determined by the United States Environmental Protection Agency (USEPA), the Ohio Environmental Protection Agency (OEPA), or any other federal or state agency, to pose any health hazard. Regulated Substances shall also include:

Sec. 114.12.2.2 Hazardous or toxic substances and materials, including any substance designated pursuant to Section 111(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. §1321(b)(2)(A)), any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. §9602) as amended by the Superfund Amendment and Reauthorization Act; any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (41 U.S.C. §6921); any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (33 U.S.C. §1317(a)); any hazardous air pollutant listed under Section 112 of the Clean Air Act (42 U.S.C. §7412); any imminently hazardous chemical, substance or mixture with respect to which the administrator of USEPA has taken action pursuant to Section 7 of the Toxic Substances Control Act (15 U.S.C. §2606); any hazardous or toxic substance or material identified by any other federal or state environmental law or regulation, all as the same may be from time to time amended.

Sec. 114.12.2.4 Any substance for which there is credible scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, reproductive toxins, nephrotoxins, neurotoxins, agents which act on a hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

Sec. 114.12.2.6 Mixtures of chemicals or substances which have been tested as a whole and have been determined to be a health hazard.

Sec. 114.12.2.8 Mixtures of chemicals or substances which may not have been tested as a whole but which contain any chemical or substance which has been determined to be a health hazard.

Sec. 114.12.2.10 Except as provided in Sec. 114.14.4.6 below, any petroleum product including crude oil or any fraction thereof, non-solid petroleum derivatives, natural gas liquids, liquified natural gas, or except where used directly for utility purposes, natural gas or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

Sec. 114.14.4 Regulated Substances shall not include:

Sec. 114.14.4.2 Substances or chemicals after they have been packaged for personal or household use, such as food or drink.

Sec. 114.14.4.4 Substances or chemicals after they have been packaged for consumer use or commercial products for use solely for janitorial or minor maintenance purposes.

Sec. 114.14.4.6 Oils and fluids within electric utility transformers, switches or other electrical apparatus.

Sec. 114.14.4.8 Liquid fuels, not to exceed 55 gallons per building, securely stored above ground for the purpose of fueling one or more generators to provide back-up or emergency power.

Sec. 114.14.6 Determination of whether a chemical or substance is a Regulated Substance within the meaning of this Article, and the applicability of any exceptions, shall be made by the Zoning Inspector. The Applicant may appeal the decision to the Board of Zoning Appeals.

Sec. 114.14.8 The Zoning Inspector and Board of Zoning Appeals, in making determinations regarding Regulated Substances, may rely upon information supplied by the USEPA or OEPA. Determination of whether a substance or chemical is a Regulated Substance also may be made upon review of any Material Safety Data Sheet (MSDS) provided by the Applicant or any manufacturer, or upon review of the most recent USEPA Title III List of Lists (which is acknowledged not to be a comprehensive listing of hazardous and toxic substances).

Sec. 114.14.10 The Zoning Inspector and Board of Zoning Appeals, in making any determination of whether a chemical or substance is a Regulated Substance, the applicability of exceptions, and establishing and enforcing performance standards may retain independent consultants and use the services of independent OEPA-approved laboratories to advise them.

Sec. 114.14.12 The cost of any independent consultants or independent laboratory analysis, testing, or review shall be paid by the Applicant. No such costs shall be assessed, and no independent consultation or testing required, unless the Applicant has obtained all other necessary zoning approvals, which may be conditioned upon obtaining such independent consultation or testing.

Sec. 114.14.14 As provided in Sec. 195 of this Resolution, any person who seeks Non-Conforming Use status for any Regulated Substance shall make application for a zoning certificate for Non-Conforming Use within twelve (12) months from the effective date of this amendment, and, in connection therewith, shall detail by affidavit the kinds and quantities of each Regulated Substance used or located on the Applicant's premises at that date.

Sec. 114.14.16 Any person who seeks the approval of the Board of Zoning Appeals for a Conditional Use as provided in this Resolution or who seeks expansion of an existing Non-Conforming Use shall provide a written statement describing any emissions which are expected to result from such use, and shall also demonstrate compliance with Sec. 116.10 of this Resolution.

Sec. 114.18 Certain Existing Operations: Existing operations involving the extraction, excavation, mining or processing of sand, rock, and/or gravel shall be allowed to continue to operate strictly in accordance with the extent of operations authorized by permits issued by the Ohio Department of Natural Resources and in existence at the time of the adoption of this Article XII, if true copies of such permits are filed with the Township Director of Development Services within thirty (30) days after the adoption of this Article XII, and to such extent no Conditional Use permit shall be required for such uses. For purposes of this Sec. 114.18, any change in the type of method or methods of extracting, excavating, mining or processing operations which were in use prior to or at the time of adoption of this Article XII shall not be considered to be an existing operation and shall require an application for, and approval of, a Conditional Use permit under this Article XII.

Sec. 114.20 Existing Operations, Functions and Procedures: Existing industrial operations and business functions or processes related thereto shall be permitted to continue lawful operations being conducted as of the effective date of this amendment, without obtaining a Conditional Use permit for such operations. Furthermore, no Conditional Use permit shall be required if such operations are modified to utilize new procedures in connection with existing operations in an existing building. Such modifications may include but are not limited to manufacturing processes, research techniques, distribution practices, transportation requirements, and maintenance practices or requirements. However, any exception to the requirement of a Conditional Use permit for modification as described in this paragraph must comply with all applicable state and federal laws, rules and regulations. If the operation's modification would result in any net gain in emissions, measured against emissions reported to the USEPA for 1994, the applicant must demonstrate, through a risk assessment analysis performed in accordance with the latest procedures approved by USEPA therefor by a toxicologist or other qualified professional approved by the Director of Development Services, that such net gain will not result in any adverse health impact. A written statement confirming compliance with the requirements of this paragraph shall be submitted with any application for a zoning certificate.

- Sec. 116 Performance Standards for Conditional Uses. As authorized in Sec. 184.7 of this Resolution, the Board of Zoning Appeals shall employ the following performance standards in approving Conditional Uses:
- Sec. 116.2 Modifications by Board of Zoning Appeals: In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the requirements of Sec. 118 unnecessary or undesirable, the Board of Zoning Appeals may modify such requirements to the extent warranted provided the surrounding property and the public welfare are adequately protected.
- Sec. 116.4 Emissions: In the case of emissions, applicable U.S. and Ohio Environmental Protection Agency regulations shall be observed, and the Board of Zoning Appeals may rely on expert testimony from parties who by education, training and experience are recognized experts.
- Sec. 116.6 Regulated Substances: Once it has been determined that a proposed use may involve one or more Regulated Substances, the Anderson Township Board of Zoning Appeals shall establish and enforce necessary and appropriate performance standards to protect the public health, safety and welfare and the environment. The Board of Zoning Appeals shall consider any information supplied by the Applicant; a report and recommendation of the Anderson Township Zoning Inspector and such other relevant information as may be requested or submitted. In any application for a special zoning certificate for a use involving any Regulated Substance, the Applicant shall indicate how it will comply with the requirements set forth below. Noncompliance with any such requirements shall be grounds for revocation of such special zoning certificate:
- Sec. 116.6.2 Observation of all federal, state and local environmental laws including all applicable USEPA and OEPA Rules and Regulations.
 - Sec. 116.6.4 Use of Best Management Practices ("BMPs") and Best Available Technology ("BAT"), unless alternative practices or technology are shown to be equally effective, to control the use, storage or transport of Regulated Substances. BMPs mean a practice or combination of practices that is the most effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of emissions or pollution generated. BMPs may include structural and non-structural practices, conservation practices and operation and maintenance procedures, including those as may be defined from time to time by USEPA, OEPA or the Hamilton County Soil and Water Conservation District. Best Available Technology means the best technology, treatment techniques or other means for preventing or reducing the release or discharge of regulated substances into the environment, taking into consideration efficacy under field conditions and cost.
 - Sec. 116.6.6 Implementation of BMP and BAT primary and secondary containment measures.
 - Sec. 116.6.8 Implementation of sufficient security measures to prevent accidental or unauthorized use.

Sec. 116.6.10 Installation and maintenance of ground water monitoring wells or equivalent devices where determined by the Board of Zoning Appeals to be necessary.

Sec. 116.6.12 Development and implementation of emergency response plans with sufficient equipment to rapidly contain accidental discharges or releases. Emergency response plans, including applicable floor plans and Material Safety Data Sheets, shall be filed with local emergency response agencies and kept up to date.

Sec. 116.6.14 Development and implementation of hazardous material and emissions management plans where determined by the Board of Zoning Appeals to be necessary.

Sec. 116.8 Vibration and Shock: No vibration or shock perceptible to a person of normal sensibilities at or beyond the property line shall be permitted.

Sec. 116.10 Nuisances: In order to prevent the operation or use of any facility or property from constituting a nuisance to or upon surrounding property, all odor, dust, smoke, gas, emissions, noise or similar nuisance shall be so located on the tract that such use does not create a nuisance at or beyond any boundary line of the tract, and evidence shall be submitted, consisting of testimony or a certified statement by a competent authority in the field affected, to clearly demonstrate that the use will not create a nuisance. The best practical means known for the abatement of a nuisance caused by odor, dust, smoke, gas, emissions, noise or similar nuisance shall be employed in a manner approved by the Board of Zoning Appeals.

Sec. 116.12 Landscaping and Other Requirements: Reasonable additional requirements as to landscaping, lighting, screening, fencing, access ways, building setbacks, and building siting may be imposed by the Board of Zoning Appeals for the protection of adjacent property.

Sec. 116.14 Consideration of Enhancements: In reviewing Conditional Use applications, the Board of Zoning Appeals shall consider enhancements proposed by the Applicant to the transportation network, the working environment, and the neighborhood as positive reasons for granting the application. Such enhancements may include but shall not be limited to:

Sec. 116.14.2 Provision for on-site or nearby childcare facilities;

Sec. 116.14.4 Bicycle transportation facilities, including bicycle lockers, bicycle racks, bicycle lanes, and shower/changing areas; and

Sec. 116.14.6 Public transit facilities including bus shelters, park-n-ride lots, and helicopter landing areas.

Sec. 118 General Requirements: The following requirements shall apply to all uses in the District:

Sec. 118.2 Height Regulations: No building shall exceed thirty-five (35) feet in height unless it is set back from all property lines a distance not less than two times the building

height, provided that no building shall exceed fifty (50) feet in height.

Sec. 118.4 Area Regulations: (See Illustration).

Sec. 118.4.2 Minimum Lot Size: The minimum lot size in the "ID" Industrial Development District shall be 20,000 square feet.

Sec. 118.4.4 Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet from the street line or as otherwise provided in Sec. 171 et seq. A planting strip of twenty (20) feet shall be established and maintained within the required front yard in accordance with Sec. 118.6.2.

Sec. 118.4.6 Corner Lots: Where a lot is located at the intersection of two or more streets, the front yard requirements of Sec. 118.104.104 shall apply to each street side of the corner lot, except that the buildable width of such lot shall not thereby be reduced to less than twenty-eight (28) feet, and no accessory building shall project beyond the front yard line on either street.

Sec. 118.4.8 Side Yard: In any case where the Industrial Development District abuts a Residence District, there shall be a side yard of not less than fifty (50) feet along the line of abutment, which side yard shall be landscaped or preserved in its natural state in accordance with Sec. 118.6.2. In other cases, a side yard of not less than ten (10) feet is required.

Sec. 118.4.10 Rear Yard: In any case where the Industrial Development District abuts a Residence District, there shall be a rear yard, which rear yard shall be not less than fifty (50) feet along the line of abutment and landscaped or preserved in its natural state in accordance with Sec. 118.6.2. In other cases, a rear yard of not less than ten (10) feet is required.

Sec. 118.4.12 Setback from Residential Property Line: There shall be not less than 100 feet between any existing residential property line and any building located on a separate lot in the Industrial Development District.

Sec. 118.6 Open Space and Landscaping: Maximum site coverage by buildings on any lot or tract shall not exceed 30%. Maximum site coverage by buildings, paved areas and other hard surfaces shall not exceed 75%. At least 25% of any developed tract shall be landscaped or preserved in its natural state in accordance with Sec. 118.6.2.

Sec. 118.6.2 Landscaping and Preservation of Natural Areas. Where landscaping (including grass, trees, ground cover, decorative plantings and water) or the preservation of natural areas is permitted or required under this Article, the following provisions shall apply:

Sec. 118.6.2.2 Where a planting strip is established and maintained in a front yard pursuant to Sec. 118.4.4, a minimum ratio of two (2) three (3) inch caliper shade trees or three (3) two (2) inch caliper grouped ornamentals shall be planted within the twenty (20) foot wide planting strip for each twenty-five (25) feet or fraction thereof of linear footage. If the front yard is across from or adjacent to a residential zone, the Board of Zoning Appeals may require a wider planting strip as needed to provide further protection for the residential area.

Sec. 118.6.2.4 In all areas not used for buildings or other structures or for roads, walks, sidewalks, parking areas or access ways, all existing trees with a diameter of eight (8) or more inches measured twenty-four inches above the ground shall remain and be preserved unless otherwise approved by the Board of Zoning Appeals. All such trees shall be protected during construction so as to prevent root, trunk or branch injury or dismemberment.

Sec. 118.6.2.6 All water courses shall be retained and preserved in their natural states unless otherwise approved by the Board of Zoning Appeals.

Sec. 118.6.2.8 Stormwater detention and retention basins shall be designed and incorporated in landscaped or natural areas as natural appearing ponds or as architectural design features.

Sec. 118.6.2.10 It is recommended that all landscaping be in accordance with the Landscape Guidelines of the Anderson Township Comprehensive Plan as from time to time amended.

Sec. 118.6.2.12 All landscaped areas shall be maintained in accordance with prevailing practices of commercial landscapers.

Sec. 118.8 Protection of Surface Water and Ground Water: No discharge other than water which does not violate applicable U.S. and Ohio Environmental Protection Agency regulations may be allowed to enter any surface water, ground water, or aquifer. Special measures shall be taken to contain and dispose of any potentially harmful discharge in compliance with such regulations.

Sec. 118.10 Stormwater Management: Stormwater runoff from the post development condition shall not exceed the peak rate of runoff from the same area before development for all 24 hour storms with frequencies of 2, 5, and 10 years. The peak runoff rate for storms greater than 10 years but less than or equal to 50 years shall be the 10 year pre-development rate (i.e., detention/retention will be required to hold the difference between the 10 year pre-development and 50 year post development runoff rate).

There may be certain channels, watercourses, or other stormwater runoff carriers that would be damaged or flooded by the additional runoff or extending the time of discharge from detention/retention basins. For areas in question, the Zoning Inspector may require the developer to provide study data. Where the study indicates, the Zoning Inspector may require additional controls. At the discretion of the Zoning Inspector, the Hamilton County Soil and Water Conservation District and other agencies may be asked for assistance.

Sec. 118.12 Parking and Loading Requirements: Off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV of this Resolution.

Sec. 118.14 Little Miami River: A naturally forested buffer shall be maintained a horizontal distance of 120 feet outward from the normal high water mark on the bank of the Little Miami River. This area shall exist to preserve the topography, trees, natural vegetation, water quality and river habitat, and to prevent erosion, sedimentation and damage from flooding. Permitted uses of this area are limited to those activities such as fishing, hiking, nature study, or other similar activities, which do not degrade or detract from a naturally forested condition. Therefore, no cutting of trees or natural vegetation shall be permitted, except (a) cutting of noxious weeds (as defined in R.C. §5579.04, as from time to time amended), (b) to remove up to 15% of trees or natural vegetation to facilitate permitted uses, or (c) to remove up to 15% of the tree canopy (i.e., the foliage of the tree only) to facilitate viewing of the river. No alteration of the land surface, placing of fill, structures (excepting public utilities) or impervious surfaces shall be permitted, except that dead or diseased trees which are determined by the Zoning Inspector to constitute a hazard may be removed.

Sec. 118.14.2 When construction outside the 120 foot buffer zone is within 500 feet of the normal high water mark of the River and not beyond the present right of way of Roundbottom Road, special precautions during construction shall be taken to avoid detriment to the River. Such precautions shall include but are not limited to such landscaping, buffering, erosion control and similar measures as are reasonably necessary to protect and preserve the natural condition of the River.

Sec. 118.16 Other Requirements: To accomplish the objectives of the Industrial Development District, including mitigation of conflicts within the Industrial Development District and between the Industrial Development District and other zoning districts, the following requirements are prescribed for all uses:

Sec. 118.16.2 Ingress and egress to the lot or tract and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be compatible with adjacent land uses. No part of any parking or loading areas or access drive thereto shall be located within fifty (50) feet of any Residence District or within sixty (60) feet of any existing residential property line, and no parking or loading area shall be closer than fifty (50) feet to any street line of a County or State road and not closer than 20 feet to any Township or private street. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the lot or tract which is a front yard or

side yard and is not used for buildings or other structures, or for parking, loading or access, shall be landscaped or preserved in its natural state in accordance with Sec. 118.6.2.

- Sec. 118.16.4 No open storage of materials, inventory or equipment shall be permitted within two hundred (200) feet of any Residence District or existing residential property line. Any other such open storage visible from any property line of the lot or tract shall, notwithstanding Section 171.9, be screened by a solid fence or wall or dense row of foliage not less than eight (8) feet in height, the design of which is compatible with surrounding uses. Dumpsters, utility boxes and other unsightly appurtenances shall be screened in the same manner.
- Sec. 118.16.6 Provisions shall be made, subject to approval of the Hamilton County Board of Health, Ohio E.P.A., Metropolitan Sewer District of Greater Cincinnati, and Hamilton County Department of Public Works, or the lawful successors to their respective duties, as appropriate, for satisfactory disposal of all liquid and solid wastes concomitant with the development.
- Sec. 118.16.8 All artificial lighting shall be designed, shielded and installed to minimize visual impact on adjacent residential properties. In areas adjoining residential properties, intensity shall not exceed .1 (one-tenth) foot-candle at any property line and the light source shall not exceed twelve (12) feet in height.
- Sec. 118.16.10 Except as provided in Sec. 114.14.12, all costs of any independent verification or determination required in an ID District by the Zoning Inspector or the Board of Zoning Appeals prior to or during review of an application, or subsequent to issuance of a zoning certificate, shall be paid by the Applicant or certificate holder.
- Sec. 118.16.12 All new developments and substantial additions (meaning those which result in thirty per cent (30%) or greater increase in square footage) to existing developments shall provide sidewalks along the abutting public street frontage.
- Sec. 118.16.14 Fences that are more than 75% open may be erected on any part of the property.

- Sec. 118.18 Human Remains Provisions: When human remains are unearthed in the course of excavation work in the Industrial Development District, the work in the immediate vicinity of such human remains shall cease forthwith, and the owner or owner's representative shall call in the Hamilton County Sheriff and notify the Zoning Inspector. If the Sheriff, with whatever consultations he deems appropriate, determines that the human remains do not constitute evidence of a crime, the owner or owner's representative shall consult at the owner's expense with an archeologist designated by the Zoning Inspector to determine whether the human remains are prehistoric with respect to the location at which found. If the human remains are determined not to be prehistoric, they shall be reburied in accordance with applicable law. If the human remains are determined to be prehistoric, the Zoning Inspector shall immediately notify The Ohio Council for Native American Burial Rights (the "Council") or The Ohio Center for Native American Affairs (the "Center"), or any successor to the Council or the Center deemed bona fide by the Zoning Inspector, that at its option the human remains (and any artifact physically attached thereto or determined by the archaeologist to have been so attached at the time such human remains were originally buried) are available for ceremonial reburial if claimed and receipted for within three (3) days by a duly authorized representative thereof. During the three (3) day period, the human remains and any such artifacts shall be accorded reasonable protection by the owner at the site where they were unearthed. If the human remains and any such artifacts are not so claimed and receipted for, they shall be reburied or otherwise disposed of by the owner in accordance with applicable law.
- Sec. 120 Variations or Conflicts: In the event of any variation or conflict in the provisions of this Article and the provisions of any existing section of the Anderson Township Zoning Resolution, the provisions of this Article shall prevail.
- Sec. 120.2 Headings and Captions: The headings and captions in this Article are for convenience purposes only and shall not be considered a part of or affect the construction or interpretation of any provision of this Article.
- Sec. 120.4 Land Use Planning Study: "The Land Use Planning Study" for the Ancor area of Anderson Township is to be considered and implemented as a guideline by the Anderson Township Zoning Commission, the Anderson Township Board of Zoning Appeals, and the Anderson Township Board of Trustees in all decisions and determinations regarding the Industrial Development District.

