

CLEAR CREEK TOWNSHIP

Zoning Resolution

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CLEAR CREEK TOWNSHIP

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**ARTICLE I Purpose and Title**

**101 Purpose**

Whereas the Trustees of the Township of Clear Creek, Ashland County, Ohio, deem it necessary to the promotion of the public health, safety, morals, comfort, and general welfare of what is known as Clear Creek Township to regulate therein the use, size and location of buildings and other structures; the size and location of yards and other open spaces in relation to buildings and the use of land; and to carry out the comprehensive planning for the Township; the districts and regulations of this Zoning Resolution are hereby created and established and shall thereafter apply.

**102 Title**

This resolution shall be known as the Clear Creek Township Zoning Resolution and may be referred to as the Zoning Resolution, this Resolution, or as these regulations. This resolution amends and supersedes the existing zoning resolution of Clear Creek Township.

## **ARTICLE II General Provisions**

### **201 Existing Zoning Permits**

1. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a zoning permit has been granted before the enactment of this Zoning Resolution and the construction of which, from such plans, shall have been started ninety (90) days prior to the enactment of this Zoning Resolution.

### **202 Uses Exempted From Zoning Resolution**

1. Nothing within this Zoning Resolution shall confer power to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes or the use of land on which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure. The applicant must be actively engaged in agriculture as defined in #303 of this resolution and provide a related service or commodity which is produced by the applicant or on the premises of the applicant to the public. Buildings must be used primarily for agriculture purposes.

2. Nothing within this Zoning Resolution shall confer power in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

### **203 Farm Dwellings Not Considered Incidental to Agriculture**

A structure used only as a dwelling for a person engaged in agriculture is not considered incidental to an agricultural use of the land so as to be exempt from township zoning pursuant to Section 519.01 of the Ohio Revised Code. All farm dwellings as permitted in this Zoning Resolution shall be subject to Zoning Permits and all other regulation of this Zoning Resolution.

### **204 Agricultural Exemption Not Applicable to Small Parcels**

1. In all districts all parcels of land less than five (5) acres in area, and having more than seventy (70) percent of their land area used for purposes other than agriculture shall not be considered as agricultural land and shall not be eligible for the agricultural exemption of Section 519.21 of the Ohio Revised Code and shall adhere to the provisions of the district in which such parcel is located.

### **205 Greater Restrictions Prevail**

Where this Zoning Resolution imposes greater restrictions than are imposed or required by other provisions of law, the requirements of this Zoning Resolution shall prevail.

**206 Alterations**

No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.

**207 New Land Uses**

New land uses, other than those listed in these regulations, shall be prohibited on property in Clear Creek Township.

**208 Height Exemptions**

Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, exhaust stacks, antennas, silos, scenery lofts and necessary mechanical accessories are exempt from the height restrictions listed in these regulations.

**209 New Lots**

New lots of record shall meet all minimum size requirements for the district in which they are located.

**210 Additions**

Any addition to an existing building shall not intrude into any required yard, open space, or setback area.

**211 Contiguous Parcels**

Two or more lots of record, or platted lots, when contiguous and owned by the same individual or entity, may be treated as a single lot for the purposes of this resolution as long as the property in question is located in a single district.

**212 Existing Lots**

Any lot of record existing at the time of adoption of this resolution and held in separate ownership different from that of adjoining parcels may be used for any purpose normally permitted in that district even though its area, width and depth are less than the requirement of that District as long as the minimum setback and side yard requirements are met.

**213 Sales of New Lots**

No sales of property are permitted which fail to meet the minimum size requirements as outlined in this resolution.

**214 Landfills**

Commercial or private landfills are expressly forbidden in Clear Creek Township.

**215 Hazardous Waste**

Hazardous waste disposal facilities are expressly forbidden in Clear Creek Township.

**216 Junk Yards**

Commercial or private junk yards are expressly forbidden in Clear Creek Township.

**217 Sale of Alcoholic Beverages**

The sale of alcoholic beverages shall be prohibited in Clear Creek Township.

**218 Restoring Unsafe Buildings or Structures**

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any Building Inspector or the Township Zoning Inspector; or from complying with his lawful requirements.

**219 Compliance with Zoning Resolution**

A lot may be used and a structure, altered, occupied, or used only as this Zoning Resolution permits.

**220 Validity**

If any article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution which is not in itself invalid or unconstitutional.



### ARTICLE III Definitions

301 For the purposes of this resolution, certain terms and words are described as follows: The words "used for" include "designed for" and vice versa; words used in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot" and "parcel"; and the word "shall" is mandatory and not directory.

302 **Accessory Use:** A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or building and located on the same lot with such principal use.

303 **Agriculture:** As defined in section 519-01 of the Ohio Revised Code Agriculture includes farming; ranching; aquaculture; 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; and combination of the foregoing; the processing, drying, storage, and marketing of agriculture products when those activities are conducted in conjunction with, but are secondary to such husbandry or production.

304 **Bed and Breakfast:** See Tourist Homes.

305 **Board:** Shall mean the Clear Creek Township Zoning Board of Appeals.

306 **Building:** A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.

307 **Building Height:** The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

308 **Campground:** A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes

309 **Commercial Butchering:** A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.

310 **Conditional Use:** A use which is subject to approval by the Clear Creek Township Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specific provision for such exception made in this Resolution.

**311 Custom Butchering:** A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

**312 Dwelling:** A building, or portion thereof, designed exclusively for residential occupancy, including single family dwellings, two family dwellings, multi family dwellings, vacation and seasonal dwellings, but not including hotels, motels, boarding houses or rooming houses.

1. **Manufactured Dwelling, Permanently Sited:** A manufactured dwelling means a building or unit or assembly of closed construction on a permanent steel frame that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards and meets all the following criteria:

- a. the structure is affixed to a permanent continuous frost free foundation and is connected to appropriate facilities.
- b. the structure, excluding any addition, has a width of at least twenty-two feet to one point, and a length of at least twenty-two feet at one point, and a total living area, excluding attachments, of at least 1000 sq. ft.
- c. the structure has conventional residential siding, as six inch minimum eave overhang including appropriate guttering and a minimum "A" roof slope of 3:12.
- d. the structure was manufactured after January 1, 1995.
- e. the structure has its indicia of mobility (temporary axles, trailer tongue, running lights) removed upon placement of the structure upon it's foundation.

2. **Mobile Home:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length, built on a permanent chassis, is transportable in one or more sections and does not qualify as a manufactured home as defined above. When erected on site, the structure contains a minimum of 980 sq. ft., excluding porches and garages. The structure must have all wheels, axles, and tongues removed, be placed on and anchored to a permanent continuous foundation with footers below the frost line, and be taxed as real property. The outside perimeter of the dwelling must be enclosed to ground level in such a manner as to be reasonable attractive and rodent resistant.

3. **Industrialized Home:** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural

312 Dwelling (continued)

entity. "Industrialized Unit" does not include a manufactured or mobile home as defined above.

4. Single Family Dwelling: A dwelling unit designed to accommodate one family related by blood, adoption, or marriage or unrelated individuals living as one housekeeping unit and containing a minimum of one thousand (1000) sq. ft. of habitable floor area exclusive of porches or garages. Single family dwellings may include: (1) standard construction homes, (2) permanently sited manufactured homes, or (3) industrialized homes.

5. Two Family Dwelling: A structure on a single lot of record containing a maximum of two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of one thousand (1000) sq. ft. of habitable floor area exclusive of porches or garages.

6. Multi Family Dwelling: A structure on a single lot of record containing a maximum of three (3) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of one thousand (1000) sq. ft. of habitable floor area exclusive of porches or garages.

7. Vacation or Seasonal Dwelling: A single family dwelling for vacation use. A dwelling not suitable for year round residency or permanent habitation.

8. Hardship Temporary Housing: In some cases the Board of Zoning Appeals may grant a variance for the location of temporary homes on the same lot as a residence in cases of extreme hardship. In such cases the following conditions shall apply:

A. An application is submitted to the Board of Zoning Appeals including a plot map showing distances between all buildings and property lines, set back and proposed location of the independent temporary housing.

B. Minimum distance between any building and the independent temporary housing shall be 20 feet and must comply with minimum set back regulations.

C. Said temporary home shall be occupied only by a member of the immediate family of a resident of the main dwelling.

for purposes of this section, immediate family is defined as mother, father, son, daughter, step-child, step-mother, step-father, brother, sister, grandmother, grandfather, great-grandmother, great-grandfather, foster brother, foster sister, step-brother, step-sister, or in-laws.

D. The occupant shall show evidence of being one of the following:

**312 Dwelling (continued)**

1. infirmed and unable to adequately and safely care for their own welfare.
2. recuperating from a serious operation, accident, or illness, and that constant care and immediate assistance is required to be at hand.
3. legally blind or deaf.
4. physically impaired.
5. mentally incapacitated.

E. A valid health department permit must be obtained for any such housing.

F. The zoning certificate for the temporary home shall be reviewed every six (6) months after an initial inspection by the Zoning Inspector. The fee for this semi-annual inspection shall be established by the Township Trustees.

G. At the termination of need for such housing, the temporary structure must be removed and the premises returned to it's original condition and use.

**313 Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communications, supply, distribution or service facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or buildings reasonably required to assure the provision of adequate supplies of public utilities by the utility or branch of government.

**314 Family:** One or more persons occupying a dwelling as a single housekeeping unit under a common housekeeping management plan based on a single internally structured relationship providing organization and stability.

**315 Flood Protection Elevation:** The elevation to which uses regulated by this resolution are required to be elevated or flood proofed.

**316 Front Yard:** A yard extending across the full width of the lot between the nearest front main building and the center line of the road.

**317 General Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. A manufacturing facility of limited nature employing no more than twelve (12) individuals in actual manufacturing tasks. All raw materials shall be stored in totally enclosed structures. Additional, support personnel may be employed at the same location in addition to those employed in actual manufacturing operations.

**318 Home Occupation:** A home occupation is a business conducted in the dwelling, garage, or accessory structure of the owner of the residence. The home occupation is clearly incidental to the use of the dwelling as a residence and will not create undo amounts of traffic, noise or nuisances

**318 Home Occupation: (continued)**

for neighboring property owners. In addition, a home occupation shall not employ non-residents of the dwelling.

**319 Institution:** A publicly owned and operated facility such as a public library, hospital, or prison.

**320 Kennels:** Any land used to house more than 3 dogs. A kennel may be an accessory use to a home occupation as long as all home occupation regulations are adhered to. Any resident who purchases a kennel license from Ashland County shall be deemed as maintaining a kennel.

**321 Junk Yards:** An open area where waste scrap metal, paper two (2) or more unlicensed motor vehicles or other motor vehicles or parts thereof, or similar materials are bought, sold, exchanged, stored, packed or handled, including building wrecking yards, and including uses taking place entirely within an enclosed building.

**322 Local Business:** An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barber shops, hobby shops, and businesses for the sale of food and non-alcoholic beverages for consumption either on or off the immediate premises.

**323 Lot:** A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required. Such lots shall have frontage on improved streets or roads and may include:

1. A single lot of record.
2. A portion of a lot of record
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.
  - A. Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
  - B. Interior Lot: A lot other than a corner lot.
  - C. Reversed Corner Lot: A corner lot the side street line of which is substantially a continuation of the front line of the lot to its rear.
  - D. Through Lot: An interior lot having frontage on two or more streets but not qualifying as a corner lot.

**324 Lot Area:** The total horizontal area within the lot lines of a piece of property.

**325 Lot Coverage:** The percentage of enclosed ground floor area of all buildings to total lot area.

326 **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

327 **Lot Lines:** The lines bounding a lot as defined herein.

328 **Lot Width:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

329 **Main Building:** A building in which is conducted the principal use of the lot on which it is located.

330 **Nonconforming Building:** A building or a portion thereof lawfully existing at the time this resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use of the Regulations of the District in which it is now located.

331 **Nonconforming Use:** A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the Regulations of the District in which it is located.

332 **Person:** An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.

333 **Planned Unit Development:** A contiguous area of land in which a variety of housing types and clusters are accommodated in a pre-planned environment under more flexible standards such as lot sizes and setbacks, than those that normally apply under these Regulations.

334 **Professional Services:** The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.

335 **Public Uses:** Public parks, schools and adjunctive administrative uses, cultural uses and service buildings devoted solely to the storage and maintenance of equipment and material.

336 **Rear Yard:** A yard extending across the full width of the lot between the nearest rear main building and the rear lot line.

337 **Recreational Uses:**

1. **Commercial Recreational Facilities:** Recreational facilities established for profit, such as but not limited to, commercial golf courses, swimming pools, ice skating and race tracks.
2. **Non-Commercial Recreational Facilities:** Private and semi-private recreational facilities which are not operated for commercial gain, such as, but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes is limited to incidental and custodial expenses.

**338 Regional Flood:** Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

**339 Regional Flood Plain:** That land inundated by the 100-year flood (regional flood).

**340 Residential Enterprise:** A home occupation that employs individuals who are not residents of the dwelling.

**341 Rezoning:** An amendment to, or a change in the Zoning Resolution, rezoning can take three (3) forms:

1. A comprehensive revision or modification of the zoning resolution text and map;
2. A change in the zone requirements;
3. A change in the zoning map.

**342 Roadside Stands:** Small structures (maximum of one hundred (100) square feet) for the sale of agricultural and plant nursery products. A minimum of fifty (50) per cent of the produce shall be raised on the premises. Parking off the highway must be provided.

**343 Semi-Public Uses:** Churches and other places of worship, Sunday Schools, Parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

**344 Setback Line:** A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.

**345 Side Yard:** A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest point of the main building.

**346 Structure:** Anything constructed or erected with a fixed location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

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

**348 Tourist Homes:** An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. (See Bed and Breakfast)

**349 Variance:** A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship.

350 Yard: An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein.

351 Zoning District: Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Clear Creek Township.

#### ARTICLE IV Establishment of Zoning Districts

##### 401 Classification and Purpose of Districts

For the purposes of this Zoning Resolution the following districts are hereby established.

DISTRICT	PURPOSE
GENERAL FARM (F-1)	To protect and maintain the openness and rural character of the countryside. To provide areas for rural developments of various kinds where the General Farm District is appropriate.
RESIDENTIAL (R-1)	To provide areas for low density residential development in areas that can support such development without creating any serious health threat.
COMMERCIAL (C)	To provide for the commercial needs of residents of the area as well as tourist or travelers to the extent of need and appropriateness.
INDUSTRIAL (I)	To provide for agribusiness and desirable industrial development in appropriate locations. To protect surrounding areas and the Industrial District from environmental nuisances such as smoke, noise, pollution, hazardous waste, etc.

##### 402 Location of Districts

1. The boundaries for the districts listed in this Zoning Resolution are indicated on the Clear Creek Township Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by reference.

2. Except where otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map and Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.

3. Where a district boundary divides a lot in single ownership existing at the time of enactment of this Zoning Resolution, the use authorized on, and the district requirements of, the least restrictive portion of the lot shall be construed as extending to the entire lot provided, that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.



#### 403 Zoning Map

1. The Zoning Map or any Zoning Map amendment shall be prepared by authority of the Clear Creek Township Zoning Commission. The Map or amendment shall be dated with the effective date of the resolution that adopts the map or amendment.

2. A certified print of the adopted Map or Map amendment shall be maintained in the offices of the Clear Creek Township Trustees, and the Clear Creek Township Zoning Inspector.

### ARTICLE V Use Regulations and Permitted and Conditional Uses

#### 501 Use Regulations

1. The Permitted and Conditional Uses for each district are shown in the following tables. Uses given in the following categories shall be interpreted according to the definitions (when given) in this Zoning Resolution. Uses not specifically listed or not interpreted to be included in the categories shall not be permitted except by amendment or exception to this Zoning Resolution.

2. The following uses are permitted in the indicated district only upon the application and approval of a valid zoning permit or upon the application and approval of a valid conditional use permit.

#### 502 General Farm District (F-1)

1. Permitted Uses

- Agriculture
- Single Family Dwellings
- Non-Commercial Recreational Facilities
- Home Occupations
- Essential Services
- Accessory Uses
- Public Uses
- Semi-Public Uses

2. Conditional Uses

- Two Family Dwellings
- Manufactured Dwellings
- Manufactured Dwellings Parks and Subdivisions
- Tourist Homes
- Nursery and Nursing Homes
- Hardship Temporary Housing
- Institution
- Vacation or Seasonal Homes
- Campground
- Planned Unit Development
- Residential Enterprise
- Cemeteries
- Airport
- Mobile Homes

**General Farm District (F-1) (continued)**

Kennel or Animal Hospitals  
Radio or Television Station or Transmission Facilities  
Commercial Recreational Facilities  
Oil and Gas Wells  
Mineral Extraction, Storage, or Processing  
Public Service Facilities  
Roadside Stands  
Agri-business

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: One hundred fifty (150) ft.
5. Minimum Front Yard Depth: One hundred twenty (120) ft.
6. Minimum Rear Yard Depth: Forty (40) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: forty (40) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5)
11. Maximum Percent of Lot Coverage: Twenty five (25) percent

**503 Residential District (R-1)**

1. Permitted Uses
  - Agriculture
  - Single Family Dwellings
  - Home Occupations
  - Essential Services
  - Accessory Uses
  - Public Uses
2. Conditional Uses
  - Two Family Dwellings
  - Multi Family Dwellings
  - Nursery
  - Hardship Temporary Housing
  - Non-Commercial Recreational Facilities
  - Cemeteries
  - Radio or Television Station or Transmission Facility
  - Semi-Public Uses
  - Tourist Homes
  - Mobile Homes
3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: One hundred fifty (150) ft.
5. Minimum Front Yard Depth: One hundred twenty (120) ft.
6. Minimum Rear Yard Depth: Thirty (30) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Minimum Sum of Both Side Yards: Thirty (30) ft.
9. Maximum Building Height: Thirty five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5)
11. Maximum Percent of Lot Coverage: Thirty (30) percent

504 Commercial District (C)

1. Permitted Uses
  - Agriculture
  - Local Business
  - Offices
  - Banks
  - Restaurants
  - Essential Services
  - Accessory Uses
  - Public Uses
  - Semi-Public Uses
  - Professional Services
2. Conditional Uses
  - Single Family Dwellings
  - Two Family Dwellings
  - Multi-Family Dwellings
  - Manufactured Dwellings
  - Mixed Use Dwellings
  - Nursery or Nursing Homes
  - Hardship Temporary Housing
  - Tourist Homes
  - Mortuaries
  - Service Stations
  - Highway Commercial Uses
  - Public Service Facilities
  - Commercial Butchering
  - Custom Butchering
  - Mobile Homes
3. Minimum Lot Size: Two (2) acres
4. Minimum Lot Width: One hundred fifty (150) ft.
5. Minimum Front Yard Depth: One hundred (100) ft.
6. Minimum Rear Yard Depth: Thirty (30) ft.
7. Minimum Side Yard Setback: Twenty five (25) ft.
8. Minimum Sum of Both Side Yards: Fifty (50) ft.
9. Maximum Building Height: Forty (40) ft.
10. Maximum Number of Stories: Three (3)

505 Industrial District (I)

1. Permitted Uses
  - Agriculture
  - General Manufacturing
  - Manufacture, Sale or Storage of Building Materials
  - Equipment Storage, Service or Sales
  - Wholesale or Warehouse Facilities
  - Food Processing
  - Transport and Trucking Terminals
  - Grain Elevators or Feed Mills
  - Research and Testing Facilities

**505 Industrial District (I) (continued)**

Offices  
Laboratories  
Restaurants  
Non-Commercial Recreational Facilities  
Commercial Recreational Facilities  
Essential Services  
Accessory Uses  
Service Stations  
Professional Services

**2. Conditional Uses**

Airport  
Mineral Extraction, Processing, and Storage  
Radio or Television Stations or Transmission Facilities

3. Minimum Lot Size: Two (2) acres
4. Minimum Lot Width: Two hundred and fifty (250) ft.
5. Minimum Front Yard Depth: One hundred (100) ft.
6. Minimum Rear Yard Depth: Fifty (50) ft.
7. Minimum Side Yard Setback: Fifty (50) ft.
8. Minimum Sum of Both Side Yards: One Hundred and fifty (150) ft.
9. Maximum Building Height: Forty (40) ft.
10. Maximum Number of Stories: Three (3)

**ARTICLE VI Supplemental Regulations**

**601 Dwellings on a Lot**

1. No lot shall contain more than one dwelling, as "dwelling" is defined in this resolution; except that a "Hardship Temporary Housing Unit", when approved as a conditional use, may become a second dwelling on a lot.

**602 Keeping of Animals, Fowl, or Bees**

1. Not more than two (2) of the following: Cow, Horse, Goat, Sheep, or Swine shall be raised or kept on lots of less than one (1) acres.

2. Chickens, Fowl, or Rabbits shall not be kept on lots of less than twenty thousand (20,000) square feet, and shall be caged in such a way so that neighbors shall not be disturbed. The total number of such animals, or any combination of them, shall not exceed one (1) per five hundred (500) square feet. The number of young animals (aged six (6) months or less) or offspring of adult animals allowed on the property at any time shall not exceed three (3) times the number normally permitted on the property based on lot size.

3. All health and sanitation requirements of the State of Ohio or County shall be followed.

4. All animals, fowl or bees shall be properly housed or caged and all food supplies shall be kept under rodent resistant conditions.

### 603 Public Nuisances and Hazards

1. No land, building or use shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All obnoxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners.

2. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

3. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

4. Noise shall be so controlled so that any sound above normal background levels shall be imperceptible at the property line of adjacent parcels, or at the edge of the road right-of-way. Occasional, non-regular bursts of noise exceeding normal background levels may be permitted if the outbursts do not create a nuisance or hazard. If such outburst or other noise is objectionable as determined by the Board of Zoning Appeals, such noise shall be muffled or otherwise controlled. Sirens and other related apparatus used solely for public purposes are exempt from this regulation.

5. No vibration shall be permitted which is discernible without instruments on any adjoining parcel.

6. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

7. No direct or reflected glare shall be permitted which is visible from any property outside an Industrial District or from any street.

8. No erosion, either by wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

9. No pollution of any stream, reservoir, aquifer, or other body of water within or surrounding Clear Creek Township shall be permitted which would create a serious health threat to the health, safety, or welfare of residents of the Township.

10. The Zoning Inspector, or Board of Zoning Appeals, prior to approving a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Zoning Inspector shall investigate all nuisance violations or complaints and present his findings to the Zoning Commission for determination of any action to be taken.

11. Methods and procedures for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures or the assistance of reputable consultants, government organizations, or other sources may be utilized.

#### **604 Manufactured Dwellings**

1. Manufactured dwellings are permitted in those districts specified in Article V of this Zoning Resolution. All manufactured dwellings shall meet the following conditions and criteria:

- A. Lot specifications shall be the same as stated in Article V.
- B. All manufactured dwellings shall meet current state or local regulations governing their placement and occupancy.
- C. All manufactured dwellings shall be placed on foundations with footers located below the frost line and mounted on solid walls running the circumference of the dwelling. Adequate access shall be provided fire and service personnel.
- D. Each manufactured dwelling shall be secured by tie downs to make it secure during high winds. Tie down anchors are to be furnished at the time of construction which are acceptable to the Board of Zoning Appeals.
- E. All manufactured dwellings shall comply with the minimum size standards established in Article III, section 311 of these regulations.
- F. A Health Department approved septic system shall be installed before occupancy of the dwelling is approved.
- G. The title of the manufactured dwelling shall be on file in the Ashland County Auditor's Office.
- H. All manufactured dwellings shall be taxed as real property.

#### **605 Campgrounds**

1. Campgrounds shall comply with all applicable State of Ohio and local Health Department and Subdivision Regulation requirements relative to the location, layout, construction, drainage, sanitation, safety, and operation.

2. Construction activities, other than stakes used to layout right-of-ways or lots and work related to surveying the parcel, is prohibited prior to the issuance of a permit from the State Department of Health and the approval of the final plat by the Ashland Regional Planning Commission.

#### **606 Temporary Structures**

1. Temporary Structures may be permitted during the construction or reconstruction of a residence for a maximum period of eighteen (18) months. At which time said structures must be removed.

2. The structure may be occupied by the owners of the dwelling under construction or reconstruction, or by the workers constructing or reconstructing the dwelling. The temporary structure may also be used to store materials and supplies to be used in the construction or reconstruction of the dwelling.

3. The Zoning Inspector shall inspect the temporary structure at six (6) month intervals to make sure that it complies with local regulations.

#### **607 Deteriorated or Abandoned Structures**

Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks or other structures in a similar condition which create potential health hazards or nuisances shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished

607 Deteriorated or Abandoned Structures (continued)  
and the debris removed before a building permit shall be issued, or within 90 days, whichever comes first.

#### **608 Junk**

Junk such as abandoned vehicles or parts thereof, household appliances, farm equipment or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard or nuisances shall be removed from the view of the public right-of-way.

#### **609 Mineral Extraction, Storage and Processing**

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.
2. Mineral Extraction and related activities shall occur no closer than five hundred (500) feet from any structure intended for human occupancy.
3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features, and any additional information deemed necessary by the Inspector.
4. Operators of all mineral extraction facilities shall comply totally with Section 1514 and other relevant sections of the Ohio Revised Code and all related, applicable regulations and requirements of the Ohio Department of Natural Resources, Division of Reclamation.
5. These Regulations do not apply to oil or gas wells.

#### **610 Accessory Buildings**

1. Accessory buildings shall be located in the side or rear yard.
2. Accessory buildings shall be no closer than fifteen (15) feet of any property line.
3. Accessory buildings shall not occupy more than ten (10%) percent of the required yard.

#### **611 Yard Requirements**

1. Interior lots having frontage on two streets shall only be required to provide the required front yard on one street.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along the right of way that the residence fronts on.
3. In situations where forty (40%) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with new structures, new buildings shall be erected no closer or farther from the right-of-way than the average distance as established by existing buildings.

#### **612 Home Occupations**

1. Home Occupations shall occur only in the owners dwelling, garage or accessory building owned by the owner of the dwelling.
2. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.
3. Only residents of the dwelling may be employed by the Home Occupation.
4. Home Occupations include, but are not limited to: Beauty Shops, Seamstresses, Leather Working, Shops for the repair of small appliances or motors, or Craft supplies and training.
5. Accessory structures used in whole or in part for a home occupation shall not exceed one thousand (1000) square feet.

#### 612 Home Occupations (continued)

6. All materials, supplies, equipment, and related items used in conjunction with the activity shall be stored in an enclosed structure secure from the weather so as to prevent them from becoming a nuisance or hazard to surrounding property owners.

#### 613 Residential Enterprise

1. A maximum of two (2) nonresidents of the dwelling may be employed by the owner.

2. The Residential Enterprise shall be a use that is clearly incidental to the use of the dwelling as a residence.

3. The Enterprise may occur in the owners dwelling, garage or accessory building owned by the owner of the dwelling.

4. Acceptable Residential Enterprises are the same as those listed for Home Occupations.

5. Residential Enterprises are permitted only after the owners obtain a valid Zoning Certificate for the activity.

6. All materials, supplies, equipment, and related items used in conjunction with the activity shall be stored in an enclosed structure secure from the weather so as to prevent them from becoming a nuisance or hazard to surrounding property owners.

#### 614 Correction Period

All Zoning violations shall be corrected within ten (10) days, or a stipulated period established by the Clear Creek Township Board of Zoning Appeals of receipt of a written notice of said violation by the owner of the property. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action.

#### 615 Planned Unit Developments

1. All planned unit developments shall be subjected to the following rules, regulations, criteria and standards.

2. The requirements required to obtain a Conditional Use Permit shall be followed.

3. Planned Unit Developments shall only be permitted in Districts identified for such uses in this Zoning Resolution.

4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a Planned Unit Development.

5. The Board of Zoning Appeals shall consider the following points when making their decision:

A. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through a reduction in lot dimensions, yard dimensions, setbacks, and area requirements.

B. A well thought out pattern of open space and recreation areas convenient to accessory uses and dwellings is included.

C. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.



#### 615 Planned Unit Developments (continued)

D. That a more efficient use of land is achieved resulting in savings through shorter streets and utility lines.

E. A development pattern consistent with the land use, density, transportation facilities, and community facilities objectives.

F. That the Planned Unit Development does not adversely affect the neighboring land uses.

#### 616 Flood Hazard Areas

Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements.

1. Construction of any permanent structure in a Flood Hazard Area is prohibited by this resolution.

2. The Zoning Classification of the property shall apply to areas in the flood plain.

3. Only those uses listed for that Zoning District shall occur in Flood Hazard Area.

4. Permitted Uses:

A. General Farm District: Agriculture Uses; all (except Residences and related permanent structures) Residential Uses; lawns, gardens and recreational areas.

B. Residential District: Agriculture Uses; all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas.

C. Commercial District: Agriculture uses; all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas, Commercial uses such as loading, parking or storage areas for items not subject to flood damage or easily moved.

D. Industrial District: Agriculture uses; all, Commercial uses such as loading, parking or storage areas; Industrial uses, parking or loading areas, storage areas for items not subject to flood damage or easily moved.

6. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.

7. Temporary structures located in the regional flood plain shall not be used for human habitation.

8. Hazardous or toxic substances shall not be stored in flood prone areas.

#### 617 Signs

All signs located in Clear Creek Township shall follow the requirements of these Regulations.

1. Signs shall be set back from the edge of the road right of way as required by the following table:

617 Signs (continued)

<u>Size</u>	<u>Set Back</u>
less than or equal to 10 sq. ft.	15 feet
10 to 30 sq. ft.	25 feet
30 to 50 sq. ft.	35 feet
51 sq. feet or greater	50 feet

2. The following signs shall be permitted in any district. No permit shall be required.

- A. Real Estate rental or sale signs of less than six (6) square feet per side.
- B. Signs advertising Home Occupations of not more than eight (8) square feet per side.
- C. Signs listing the name and address of occupants of a structure not exceeding eight (8) square feet per side.
- D. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding forty (40) square feet.
- E. Entrance, exit or directional signs.
- F. Temporary signs advertising special events or the construction of a specific building of not more than 32 square feet.
- G. Political signs not exceeding four (4) square feet, these signs must be removed within two (2) weeks following the election.
- H. Signs erected by governmental agencies
- I. Signs advertising roadside stands not exceeding ten (10) square feet.
- J. Signs of any size advertising farms when placed on the farm being advertised.
- K. Signs on the premises of commercial or industrial uses, but the edges of such signs shall be no closer than fifteen (15) feet to road right of way.

3. Zoning permits shall be required for outdoor advertising signs not located on the premises of the establishment being advertised and are subject to the following regulations:

- A. Signs shall be not less than 100 feet apart.
  - B. Signs shall not be located less than 100 feet from a residential structure.
  - C. No sign shall have a surface greater than 100 sq. ft. per side.
4. The following types of signs are prohibited:
- A. Signs attached to or painted on trees, rocks or natural features.
  - B. Flashing or illuminated signs that distract drivers or are a nuisance to neighboring property owners.
  - C. Signs that resemble devices erected under governmental authority.
  - D. Signs located in dedicated rights-of-way.
  - E. Signs deemed to be unsafe or a public hazard.

5. When the Regulations conflict with applicable State Requirements, said State requirements shall apply.

### **618 Nonconforming Buildings and Uses**

1. Any legal use of a structure or land lawfully existing at the effective date of this Zoning Resolution may be continued, even though such use does not conform to the provisions of this Zoning Resolution. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No nonconforming structure shall be altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Resolution as hereinafter provided.

2. Whenever the lawful use of a structure or land becomes nonconforming through a change in the Zoning Resolution or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.

3. A nonconforming lawful use which has been damaged by fire, explosion, act of God or the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two (2) years of the date of such damage, provided that the new building, use, or structure shall not contain more than the original space of the replaced building, use or structure and shall conform to all building regulations of Ashland County and the State of Ohio.

4. If a nonconforming use is abandoned for two (2) years such future use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Resolution.

### **619 Transmission/Communication Towers:**

Transmission/Communication towers are restricted in areas zoned for residential use. For a cellular company to build a tower in an area zoned as residential, it must first provide written notice to contiguous landowners and township trustees. If a contiguous landowner or the township trustees object to the placement of the tower, the company must provide written notice to the township trustees and request the tower be subject to the zoning laws. Notice must then be provided by the trustees to the cellular company, and the company would then need to apply for a conditional use permit and go through the public hearing process. If a conditional use permit is obtained, it shall be restricted as follows:

A. The proposed tower construction shall comply with the general standards of all conditional uses as set forth in article 620, #2 of this zoning document.

B. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a three-quarter mile area of the proposed facility, inquiring about potential collocation opportunities.

C. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

D. An area at least 15 feet square with the tower centrally located shall be enclosed by a security fence at least seven feet high. No guy wires shall be less than seven feet from the top of the security fence.

### Transmission/Communication Towers (continued)

- E. All providers utilizing towers shall present a report to the Township Trustees notifying them of any tower located in the township whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, a designated township trustee may declare the facility abandoned. The facility's owner/operator will receive written notice from the Township to either reactivate the facility within 180 days or dismantle and remove the facility. Should the Township be required to remove the tower or contract to have the tower removed, the owner will indemnify the Township for all costs.
- F. Towers with a height of 150 feet or greater shall be artificially lighted as required by the Federal Aviation Administration to assure safety. Security lighting around the tower shall be permitted.
- G. "No trespassing" signs shall be posted around the facility with a name, address, and a telephone number of who to contact in the event of an emergency.
- H. Towers shall have a maximum height of five hundred (500) feet. The tower must be located at least one and one-half (1-1/2) times the height of the tower from any buildings, property lines, or public right of ways.

3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Article VIII of this Zoning Resolution.

### 620 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. a list of these uses is located in Article V of this Zoning Resolution. a special permit must be obtained from the Board of Zoning appeals before the development of any land use identified in this resolution as "Conditional Use".

2. All proposed "Conditional Uses" are subject to the following general standards:

- A. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township's Zoning Resolution.
- B. All structures and uses will be designated, constructed, operated and maintained so as to be harmonious, safe and appropriate in appearance and use with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- D. The proposed use will be served adequately by essential public services (fire, police, highways, sewage, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and

### Conditional Uses (continued)

will not be detrimental to the community.

F. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare or fumes.

G. Adequate access to the use shall be provided that does not interfere of natural, scenic or historic features of major importance.

3. When making its review of the proposed use the board of Zoning appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. such review shall follow the requirements established in Article VIII of this Zoning Resolution.

## ARTICLE VII Zoning Commission

### 701 Membership

1. The Zoning Commission, hereinafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.

2. Each member shall be appointed for a five (5) year term with the terms of the members to be of such length and so arranged that the term of one member will expire each year. A successor shall be appointed on the expiration of each term to serve five (5) years. Each member shall serve until his or her successor is appointed and qualified. Members of the Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. The Board of Township Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

### 702 Rules of the Commission

1. The Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission which shall be held during the month of January each year.

2. Meetings of the Commission shall be at the call of the Chairman and at such times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission and shall be filed in the Office of the Commission and shall be a public record.

3. If any member of the Commission is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.

## 702 Rules of the Commission (continued)

4. The Zoning Commission shall require a quorum of three (3) members at all of its meetings and the concurring vote of three (3) members shall be required to affect any decision of the Commission.

5. The Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

## 703 Changes and Amendments

1. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may, by Resolution after report thereon by the Commission and subject to the procedure in this Section, and/or the current State Law, amend, supplement or change the Regulations, district boundaries or classification of property, now or hereafter established by this Resolution.

2. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:

- A. By motion of the Township Zoning Commission;
- B. By passage of a Resolution therefore by the Board of Township Trustees, and a certification of the same by the Commission;
- C. By the filing of an application by one (1) 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.

3. Applications: Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the Zoning Maps shall be filed with the Zoning Commission upon forms approved by the Commission and accompanied by such data and information prescribed for the purpose of the Commission.

4. Fee: A fee established by the Township Trustees shall be paid to the Township upon the filing of each application for change of district classification, except for actions initiated by the Board of Township Trustees or the Commission. Said fee shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied.

5. Transmittal to the Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Commission shall transmit a copy thereof, together with text map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission.

6. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the adoption of such motion, or the date of the filing of such application. Notice of such

**703 Changes and Amendments (continued)**

hearing shall be given as follows:

A. A notice shall be published in one (1) or more news papers of general circulation in the township at least fifteen (15) days before the date of such hearing.

B. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:

- a. The time, date and place of the public hearing.
- b. The name of the Zoning Commission that will be conducting the public hearing.
- c. A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.
- d. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
- e. The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.
- f. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least fifteen (15) days prior to the public hearing.
- g. The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Zoning Commission or the Clerk.
- h. Any other information requested by the Zoning Commission.
- i. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

In the case where more than ten (10) parcels of land as shown on the Auditor's current Tax List are proposed for rezoning OR when the proposed amendment involves any change to the text of the Zoning Resolution, Items a, b, c, f, g, h, and i above must be included in the notices.

7. Records: The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official action, all of which shall be filed in the Commission Office and shall be a public record.

8. Decision by Commission and Submittal to the Board of Township Trustees: The Commission shall study the proposed changes in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend

### 703 Changes and Amendments (continued)

the approval, or denial of the proposed amendment or supplement on the basis, or the approval or some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereof, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.

9. Hearing and Notice by the Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in Changes and Amendments (continued) one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing. Said Notice shall contain the information listed in Items 6.B.a. through 6.B.g. of this Section.

10. Action by the Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission.

11. Effect and Referendum: Such amendment or supplement adopted by the Board of Township 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%) per cent of the total vote cast for all candidates for governor in such areas at the last general election at which a governor was elected, requesting the Board of Township Trustees submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

12. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. Aggrieved parties may appeal decisions to the Court of Common Pleas.



## ARTICLE VIII Board of Zoning Appeals

### 801 Membership

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be con currently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.

2. The members of the Board shall serve the same length of terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Article VII. The Board of Township Trustees may remove a member for cause, after a public hearing in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

### 802 Rules of the Board

1. The Board shall by majority vote of its members elect a Chairman, a Vice-Chairman and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board.

2. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

3. All meetings of the Board shall be open to the public.

4. Meetings of the Board shall be at the call of the Chairman and at such times as the Board may determine. The Board shall keep minutes of all meetings showing the proceedings, the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Board Office and be a public record.

5. The Board shall require a quorum of three (3) members at all meetings, and the concurring vote of three (3) members shall be required to effect any decision of the Board.

6. The Board may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

### 803 Powers and Duties of the Board

1. Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement of the provisions of this Zoning Resolution.

2. Variances: To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution, and provided that no variance shall be granted unless the Board finds that all of the following conditions exist:

803 Powers and Duties of the Board (continued)

A. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.

B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.

C. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.

In granting a variance, the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.

3. Conditional Uses: To hear and decide all Conditional Uses that are specifically listed within the various Districts; and to grant Conditional Use Zoning Certificates for the use of land, buildings or other structures as provided for in this Resolution. Conditional Uses, although often desirable, Powers and Duties of the Board (continued)

will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

A. The Conditional Use is specifically listed or interpreted as listed in the District in question.

B. The Conditional Use is in general accord with the Ashland County Optimum Land Use Plan.

C. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Resolution.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because of the provisions of this Zoning Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without the Board of Zoning Appeals' interpretation. Request for an exception may be requested by the applicant or by the Zoning Inspector.

5. Fees: Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

## 804 Procedures

1. Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board and said records shall be filed in the Office of the Board of Township Trustees and shall be a public record.

2. Appeals: Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be made within twenty (20) days after the decision by filing with the administrative officer and with the Board, a notice of such appeal specifying the grounds on forms approved by the Board. The administrative officer shall transmit to the Board all the paper constituting the record upon which the action appealed was taken.

3. Variances, Exceptions and Conditional Uses: All applications for variances, conditional uses and exceptions shall be made to the Board of Zoning Appeals in writing and on forms prescribed.

4. Public Hearing and Decision: When a notice of appeal, variance, conditional use, or exception has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing for same, give at least ten (10) days' written notice to the parties in interest and to any person, firm, or corporation owning premises located within five hundred (500) feet of the land to which such appeal, variance, conditional use, or exception is related; advertise notice of hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. Upon the hearing, any person may appear in person or by attorney. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. The Board must decide the appeal, variance, conditional use, or exception within a reasonable time after it is properly submitted.

5. Refusal of the Appeal: The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.

## ARTICLE IX Administration

### 901 Zoning Inspector

1. The Board of Township Trustees shall appoint a Township Zoning Inspector, and affix his compensation. It shall be the duty of the Zoning Inspector to:

- A. Enforce the provisions of this Resolution.
- B. Issue permits as provided in this Resolution, and keep record of all permits issued or refused with a notation of any special conditions involved.
- C. File and safely keep copies of all plans submitted, and the same shall form a part of the records in his or her office.
- D. Maintain a certified copy of the text of this Resolution and of the Zoning Map.
- E. Keep records of all violations and/or complaints.
- F. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.
- G. Submit all zoning fees collected to the Township Clerk within thirty (30) days.

### 902 Zoning Permits

1. Zoning Permit Requirements: No building or other structure exceeding 300 sq. ft. shall be erected, moved, added to, or structurally altered; nor shall any building, structure or land use be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

2. Applications: The application for a zoning permit shall be made on forms supplied by the Township attesting to the fact that all information contained in the application is true and accurate. The application, together with a fee established by the Board of Trustees, shall be submitted to the Zoning Inspector for review and action. All fees collected must be turned in by the Inspector to the Township Clerk within thirty (30) days. As assistance to zoning permit applicants the approved procedure and order for obtaining both a zoning permit and, if required for the land use in question, a health permit, is as follows:

- a. Apply to the Township Zoning Inspector for a zoning permit and pay the fee.
- b. If approved, take the zoning permit to the health department, make application for a health permit, and pay the fee.
- c. The health department will then inspect the site and either issue a permit or deny the request.

3. Approval of Zoning Permit: Within thirty (30) days of the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One copy of the application with sketch of lot shall be returned to the applicant by the Zoning Inspector, after the zoning 902

### **Zoning Permits (continued)**

Inspector shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One copy of said application, similarly marked, shall be retained by the Zoning Inspector. The zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use of alteration is in conformance with the provisions of this Resolution. Zoning certificates are not transferable. Any actions by the Ashland County Health Department condemning the land use or denying or rescinding the health permit or finding the dwelling unfit for human habitation shall also render the Clear Creek Township Zoning Permit null and void. A new zoning permit is required before construction or use of the property may begin again.

4. Expiration Date: If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof; said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof, shall be given to the person affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

5. Fees: The Board of Township Trustees may adopt a system of Permits, establish and collect reasonable fees thereof, and amend such fees, or adopt new fees, from time to time as necessary.

### **903 Enforcement and Penalties**

1. Enforcement: This Resolution shall be enforced by the Zoning Inspector or such enforcement Officer as may be designated by him.

2. Revocation of Zoning Certificates: Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice, in writing, to be delivered to the holder of the void certificate upon the premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.

3. Violation: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

4. Fine: Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use of continues may be deemed a separate offense.