

# **VERMILLION TOWNSHIP**

**ASHLAND COUNTY, OHIO**

**Prepared by the Vermillion Township Zoning Commission**

**July 21, 2020**

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**TABLE OF CONTENTS**

**PREAMBLE**

**ARTICLE I**

**DISTRICTS.....**

**1-1**

**ARTICLE I DISTRICTS**

**(Continued).....**

**1-1a**

**ARTICLE II GENERAL**

**REQUIREMENTS.....**

**2-1**

**ARTICLE III**

**DEFINITIONS.....**

**3-1**

**ARTICLE III DEFINITIONS (Continued)**

**thru.....**

**3-8**

**ARTICLE IV ZONING DISTRICTS**

400 Agricultural District

(A).....

4-1

401 Residential District

(R).....

4-2

402 Secondary Business District

(SB).....4-3

403 Commercial/Industrial

(CI).....

4-4

404 Residential

Enterprise.....

4-5

**ARTICLE V EXCEPTIONS AND SPECIAL PROVISIONS.....**

**5-1**

**ARTICLE VI SUPPLEMENTAL REGULATIONS**

600 Temporary  
Structure.....

6-1

601 Abandoned  
Structures.....

6-1

602  
Junk.....

6-1

603 Yard  
Requirements.....

6-1

604 Home  
Occupation.....6-2

605 Keeping of Animals or  
Fowl.....6-2

606 Public Nuisances and  
Hazards.....6-3

607  
Signs.....

6-3

608 Non-Conforming Buildings and  
Uses..... 6-3

609 Manufactured  
Dwellings.....

6-4

610 Mobile  
Homes.....

6-4

611 Sexually Oriented  
Business.....

6-4

|                  |                                  |
|------------------|----------------------------------|
| 611              | Sexually Oriented Business       |
| (Continued)..... |                                  |
| 6-4a             |                                  |
| 611              | Sexually Oriented Business       |
| (Continued)..... |                                  |
| 6-4b             |                                  |
| 612              |                                  |
| Blank.....       |                                  |
| 6-4b             |                                  |
| 613              |                                  |
| Blank.....       |                                  |
| 6-4b             |                                  |
| 614              | Telecommunication Tower &        |
| Facilities.....  |                                  |
| 6-5              |                                  |
| 615              | Public Utility Telecommunication |
| Towers.....      | 6-5                              |

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**TABLE OF CONTENTS (Continued)**

**ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

|                  |                      |
|------------------|----------------------|
| 616              | Solar Energy         |
| Systems.....     |                      |
| 6-5              |                      |
| 616              | Solar Energy Systems |
| (Continued)..... |                      |
| 6-5a             |                      |
| 616              | Solar Energy Systems |
| (Continued)..... |                      |
| 6-5b             |                      |
| 616              | Solar Energy Systems |
| (Continued)..... |                      |
| 6-5c             |                      |

**ARTICLE VII ENFORCEMENT**

|     |        |
|-----|--------|
| 700 | Zoning |
|-----|--------|

|  |     |
|--|-----|
| Permits.....   | 7-1 |
| 701    Application for Zoning  |     |
| Permit.....  | 7-1 |
| 702    Approval of a Zoning  |     |
| Permit.....  | 7-2 |
| 703    Expiration of a Zoning  |     |
| Permit.....  | 7-2 |
| 704    Record of Zoning  |     |
| Permits.....   | 7-2 |
| 705    Failure to Obtain a Zoning  |     |
| Permit.....  | 7-2 |
| 706    Construction and Use to be as Provided in Applications,<br>Plans, |     |
| Permit.....  | 7-2 |
| 707    Complaints Regarding  |     |
| Violations.....  | 7-2 |
| 708    Procedures Upon Discovery of                                      |     |
| Violations.....  | 7-3 |
| 709    Schedule of Fees, Charges, &                                      |     |
| Expenses.....  | 7-4 |
| 710    Zoning Permit   |     |
| Requirements.....  | 7-4 |
| 711    Remedy for  |     |
| Nuisances.....   | 7-4 |
| <br><b>ARTICLE VIII ADMINISTRATION</b>                                   |     |
| 800    Office of the Zoning Inspector                                    |     |
| Created.....   |     |

|                  |     |                                    |
|------------------|-----|------------------------------------|
|                  | 8-1 |                                    |
|                  | 801 | Duties of the Zoning               |
| Inspector.....   |     |                                    |
|                  | 8-1 |                                    |
|                  | 801 | Duties of the Zoning Inspector     |
| (Continued)..... |     |                                    |
|                  | 8-2 |                                    |
|                  | 802 | Zoning Commission                  |
| Created.....     |     |                                    |
|                  | 8-2 |                                    |
|                  | 803 | Duties of the Zoning               |
| Commission.....  |     |                                    |
|                  | 8-2 |                                    |
|                  | 804 | Board of Appeals                   |
| Created.....     |     |                                    |
|                  | 8-3 |                                    |
|                  | 805 | Board of Appeals                   |
| Powers.....      |     | 8-3                                |
|                  | 806 | Proceedings of the Board of Zoning |
| Appeals.....     |     | 8-4                                |
|                  | 807 | Duties of the Board of Zoning      |
| Appeals.....     |     | 8-4                                |
|                  | 808 | Role of Township                   |
| Trustees.....    |     |                                    |
|                  | 8-4 |                                    |
|                  | 809 |                                    |
| Appeals.....     |     |                                    |
|                  | 8-5 |                                    |
|                  | 809 | Appeals                            |
| (Continued)..... |     | 8-5a                               |
|                  | 810 |                                    |
| Variances.....   |     |                                    |
|                  | 8-6 |                                    |

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**TABLE OF CONTENTS ( Continued)**

**ARTICLE VIII ADMINISTRATION (Continued)**

810 Variances  
(Continued).....  
8-6a  
810 Variances  
(Continued).....  
8-6b

**ARTICLE IX AMENDMENT**

900  
General.....  
9-1  
901 Initiation of Amendments to  
Zoning.....9-1  
902 Application for  
Amendment.....  
9-1  
903 Submission to the Ashland County Planning  
Commission.....  
9-1  
904 Public Hearing by the Zoning  
Commission.....  
9-2  
905 Notice of Public  
Hearing.....  
9-2  
906 Notices to Property Owners by the Zoning  
Commission..... 9-2  
907 Contents of Notice of ZC Public  
Hearing.....  
9-2  
907 Contents of Notice of ZC Public Hearing  
(Continued)..... 9-3  
908 Recommendation by the Zoning  
Commission.....

|                 |  |
|-----------------|--|
|                 | 9-3  |
|                 | 909 Public Hearing by the Board of Township        |
| Trustees.....   | 9-3  |
|                 | 910 Contents of Notice of Township Trustees Public |
| Hearing.....    | 9-4  |
|                 | 911 Action by the Board of Township                |
| Trustees.....   | 9-5  |
|                 | 912 Effective Date and                             |
| Referendum..... |  |
|                 | 9-5  |
|                 | 913 Filing of                                      |
| Amendments..... |  |
|                 | 9-5  |

**ARTICLE X**

**INTERPRETATIONS, SEPARABILITY, AND REPEAL OF CONFLICT IN RESOLUTION, EFFECTIVE DATE**

|                 |   |
|-----------------|---|
|                 | 1000 Provisions of this Resolution Declared to be Minimum |
|                 | Requirements.....   |
|                 | ..... 10-1  |
|                 | 1001 Separability   |
| Clause.....     |   |
|                 | 10-1  |
|                 | 1002 Repeal of Conflicting                                |
| Resolution..... |   |
|                 | 10-1  |
|                 | 1002 Effective  |
| Date.....       |   |
|                 | 10-1  |

**APPENDIX**

Appendix A – Vermillion Township Zoning Map  
(Reference=ARTICLE I, Section 101)

Appendix B- Database of Vermillion Township Zoning  
District Approvals  
(Reference-ARTICLE I, Section 106).



# **VERMILLION TOWNSHIP ZONING RESOLUTION**

## **PREAMBLE**

This is the zoning resolution for Vermillion Township, Ashland County, Ohio enacted in accordance with the Ashland County Comprehensive Plan 2000, as revised, and the provisions of Chapter 519 of the Ohio Revised Code. This resolution divides the unincorporated portion of the township into Districts encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, commercial, industrial , recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare, and for the repeal thereof.

Therefore, be it resolved by the Board of Township Trustees of Vermillion Township, Ashland County, Ohio; This Resolution shall be known as the Vermillion Township Zoning Resolution and may be referred to as the Zoning Resolution.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE I DISTRICTS**

**Page 1-1**

1 Districts

For the purposes of this Resolution, Vermillion Township is hereby divided into four (4) Districts, and are as follows:

| <u>District</u>                                     | <u>Purpose</u>   |
|---|--|
| Agricultural (A)                                    | To protect and maintain the rural character of the countryside. To provide areas for rural developments of various kinds where the Agricultural District is appropriate.   |
| Residential ( R)                                    | To provide areas for low density residential development in areas that can support such development without creating any serious health threat.  |
| Secondary Business (SB)                             | To provide for the establishment of areas for local (SB) business uses which tend to meet the needs of the residents of the area and the needs of the motoring public without creating any serious health threat.  |
| Commercial/<br>manufacturing and<br>Industrial (CI) | To provide areas for the development of wholesale business establishments without creating any serious health threat and which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; generate little industrial traffic; and operate entirely within enclosed structures. Research activities are encouraged. |

- 1 The location and boundaries of the Districts listed in this Resolution shall be shown on a current/certified Vermillion Township Zoning Map. A certified copy of this map shall be on file in the offices of the Vermillion Township Trustees and said map, all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE I DISTRICTS (Continued)

#### **Page 1-1a**

- 1 District boundaries are intended to follow road, alley, property or lot lines as they exist at the time of this Resolution.
- 103 Where District boundaries do not follow existing lot or property lines, the dimensions of these areas shall be listed on the Zoning Map.
- 104 In the case of a vacation of a road, alley or other right-of-way, the abutting zoning classification on either side shall be automatically extended to the center line of said vacated area.
- 105 Where boundaries appear to approximately follow said aforesaid lines and are not more than ten (10) feet distant from such lines, they shall be interpreted to be the boundary unless specifically shown otherwise.
- 106 The Zoning Map or any Zoning Map Amendment shall be prepared by authority of the Township Zoning Commission. The Zoning Commission will update a database of Vermillion Township Zoning District Approvals. The Zoning Map or Zoning Map Amendments shall be dated and certified by the Trustees with the effective date of the Resolution that adopts the Zoning Map or Zoning Map Amendments.
- 107 A certified print of the adopted Zoning Map or Zoning Map Amendment shall be maintained in the office(s) of the Township Trustees and in the office(s) of the Ashland County Planning Commission and the County Recorder's office(s). (Reference 519.12 Ohio Revised Code).

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE II GENERAL REQUIREMENTS

#### **Page 2-1**

- 200 No building or structure shall be built or altered for uses other than those permitted in the District in which the structure is located.
- 201 New land uses, other than those listed in this Resolution, shall be

prohibited on property in Vermillion Township.

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

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

204 No more than one dwelling shall be located on a lot of record.

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

206 The Vermillion Township Zoning Resolution shall serve as a supplement to existing and future Federal, State and Local Laws. Whenever these Regulations differ from other lawfully adopted regulations, the most restrictive or highest standard shall apply.

Agricultural uses, excluding related residential uses, are exempted from this resolution. Except as provided by Ohio law this Resolution shall confer no power on the Township Zoning Commission, Board of Trustees, or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE III DEFINITIONS**

#### **Page 3-1**

For the purpose of this Resolution certain terms and words are described as follows:

300 The words "used for" include "designed for" and vice versa; words used in the present tense include the future; 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 the word "shall" is mandatory and not directory.

301 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.

302 Agriculture: As used in this Resolution, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal

husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

303 Alterations: Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders. Any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.

304 Board: Shall mean the Vermillion Township Zoning Commission.

305 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.

306 Secondary Business: The buying, selling, or trading of goods and services. Any business will require a Zoning Certificate except as identified in Section 600.

307 Commercial Telecommunication Towers: Any free-standing structure, or any structure to be attached to a building or other structure, that is proposed to be constructed on or after October 31, 1996; is not owned or principally used by a public utility engaged in the provision of telecommunications services; is proposed to top at a height that is greater than the maximum allowable height of structures within the applicable zoning district or at a height that is greater than the height of the building or other structure to which it is to be attached; is proposed to have attached to it radio frequency transmission or reception equipment; is not owned or principally used by a public utility; and the services of the tower are not provided indiscriminately to the public and are not a matter of public concern.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE III DEFINITIONS (Continued)**

#### **Page 3-2**

308 Communication Facilities: The erection, construction, alteration or maintenance of facilities or structures used for the transmission and/or reception of radio and television frequencies. These include buildings, transmitters, towers antennas including but not limited to telecommunication towers and facilities as defined in Section 519.211 of the Ohio Revised Code, to the extent permitted by that statute.

309 Conditional Use: A use which is subject to approval by the Board of

Zoning Appeals. A conditional use may be granted by the Board when there is a specified provision for such exception made in this Resolution.

310                    Dwelling: Any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured dwelling as defined herein. Dwellings must be affixed to a permanent foundation and connected to the appropriate facilities.

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

1. Permanently sited manufactured dwelling – A manufactured residence that meets all the following criteria:
  - A.    The structure is affixed to a permanent foundation and is connected to the appropriate facilities:
  - B.    The structure excluding any additions, has a width of at least twenty-two (22) feet at one (1) point, a length of at least twenty-two (22) feet at one (1) point, and a total living area, excluding garages, porches, or attachments, of at least one thousand (1000) square feet;
  - C.    The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a six (6) inch minimum eave overhand, including appropriate guttering;
  - D.    The structure was manufactured after January 1, 1995
  - E. The structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE III DEFINITIONS (Continued)**

#### **Page 3-3a**

1. Single Family Dwelling: A dwelling which is designed for and occupied by not

more than one (1) family and containing a minimum of one thousand (1000) sq. ft. of habitable floor space exclusive of porches, basements or garages.

2. 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, basements or garages.

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

313           Frontage: The distance measured at a right angle to the side lot lines at the minimum front yard setback measured from the center of the road.

314           Front Yard: See Yard.

315           Heat Load: The amount of heat attributable to reflective glare from solar energy systems measured as degrees Fahrenheit above the average ambient outdoor air temperature.

316           High Impact Uses: A use that has significant effect on the environment, traffic volume, noise, and advertising and building visibility. For example: service stations, grocery stores, carry out and motels

317           Home Occupations: A home occupation is a business conducted in the dwelling or existing garage of the owner of the residence. The home occupation shall be clearly incidental to the use of the dwelling and property as a residence, shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.

318           Industrialized Unit: A structure as defined in Ohio Revised Code 3781.06 (C) (3).

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE III DEFINITIONS (Continued)**

**Page 3-4**

- 319            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.
1. Such lots shall have one hundred fifty (150) ft. frontage on an improved road which is the mailing address and main access to the dwelling and may include:
    - A. A single lot of record;
    - B. A portion of a lot of record;
    - C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record.
  1. Types of lots are:
    - A. Corner Lot: A lot located at the intersection of two (2) or more roads. A lot abutting on a current road or roads 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 and thirty-five (135) degrees.
    - B. Interior Lot: A lot other than a corner lot.
    - C. Reversed Corner Lot: A corner lot the side road line of which is substantially continuation of the front line of the lot to its rear.
    - D. Through Lot: An interior lot having frontage on two (2) or more roads.
- 320    Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.
- 321            Lot Lines: The lines bounding a lot as defined herein.
- 322            Low Impact Uses: A use that has minimal effect on the community environment, traffic volume, noise, advertising and building visibility. For example: Office buildings small retail and small warehousing.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE III DEFINITIONS (Continued)**

**Page 3-5**

- 323            Mobile Home: A building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.01 (O). and which is designed to be used as a dwelling with or without a permanent



foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700 42 U.S.C.A. 5401, 5403 as amended. A “mobile home” does not mean an “industrialized unit”, “manufactured home” or “recreational vehicle” as defined in this resolution. A building or non-self-propelled vehicle is a “mobile home” whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.

324                    Non-Conforming Building: A building or a portion thereof lawfully existing at the time of this Resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

325                    Non-Conforming 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 district in which it is located.

326                    Nuisance: A nuisance is anything which endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property. Any think or act that causes injury to property of another or obstructs the reasonable use or enjoyment of such property or cause physical discomfort to such other person.

327                    Occupation: A trade, profession or activity which engages one's time and provides any form of compensation.

328                    Parcel: See Lot.

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

330                    Public Use: Public parks, schools and administrative, cultural and service buildings devoted solely to the storage and maintenance of equipment and material.

331                    Public Utility: Any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which provides goods or services to the public indiscriminately and reasonably.

332                    Public Utility Telecommunication Tower: Any telecommunication tower and supporting facility owned and operated by a public utility which is occupied by antennas whose principal use is public utilities.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

## **ARTICLE III DEFINITIONS (Continued)**

### **Page 3-6**

333     Recreational Facilities:

1. Commercial Recreational Facilities: Recreational facilities established for profit, such as, but not limited to, commercial golf courses, swimming pools, ice skating, riding stables, and race tracks.
2. Noncommercial 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 maintenance and custodial expenses.

334             Residential Enterprise: A business owned and conducted by the resident on the same lot of record as the enterprise owner's principle residence. A Residential Enterprise shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create a nuisance to neighboring property owners, nor alter the appearance of the neighborhood. A Residential Enterprise shall require a Conditional Use Certificate.

335             Rezoning: An amendment to, or change in the Zoning Resolution Rezoning can take three (3) forms:

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

336             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.

337             Semi-Public Use: Churches and other places of worship, Sunday School, Parochial Schools, Colleges, Hospitals and other institutions of an educational religious, charitable or philanthropic nature.

338             Self-Service Storage Facility: A building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.

## **ARTICLE III DEFINITIONS (Continued)**

### **Page 3-7**

- 339                    Sexually Oriented Business: An adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section 2907.39 and 2907.40 of the Ohio Revised Code, as it may be amended, but does not include a business solely by reason of its showing, selling, or renting material that may depict sex. For the definitions of terms and conditions contained in this Section #535 refer to Ohio Revised Code Section 2907.40, as it may be amended.
- 340                    Sign: A structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag pennant, insignia, device, or other representations used for announcement, direction or advertisement.
- 341                    Solar Energy: Radiant energy (direct, diffuse, and/or reflected) received from the sun.
- 342                    Solar Energy System: An energy conversion system, including but not limited to a solar array, and other appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.
- 343                    Solar Panel: A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy.
- 344                    Structure: Anything constructed or erected that requires location on the ground or is attached to something having location on the ground. Among other things, structures include signs, towers, poles, and similar constructions.
- 345                    Technically Suitable: The location of a wireless telecommunication antenna(s) reasonable serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the township.
- 346                    Telecommunication: Technology permitting the passage of information from the sender to one (1) or more receivers in a useable form by means of an electromagnetic system and includes the term personal wireless services.
- 347                    Tower: A structure that is mounted in the ground or affixed to a building or other structure.
- 348                    Variance: A variance is a relaxation of requirements where such

variances 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.

349            Wholesale: Selling in bulk for resale, or to a dealer or anyone for resale.

350            Wind Farm: Wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE III DEFINITIONS (Continued)

#### Page 3-8

351            Wind Turbine: A structure designed and erected solely for the purpose of generating electrical current by means of a wind driven mechanism with associated facilities and single interconnection to the electrical grid.

352            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:

1.            Front Yard: A yard extending across the full width of the lot between the front and the main building and the center of the road; the depth of the required front yard shall be measured horizontally from the nearest point of the center of the road.
2.            Rear Yard: A yard extending across the full width of the lot between the nearest rear main building and rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present.
3.            Side Yard: A yard between a main building and 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 lines towards the nearest point of the main building.

353            Commercial/Industrial (CI): Manufacturing, warehousing, wholesale, distribution, restaurants, hotel/motel, service station

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE IV ZONING DISTRICTS

#### Page 4 -1

Agricultural District (A)

Nothing in the following provisions or in the entire ordinance, shall prevent the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such building or structures are located. No zoning certificate shall be required for any such building or structure.

## Permitted Buildings, Structures and Uses:

In agricultural districts, only the following buildings, structures and uses shall be permitted:

1. Agricultural Single family dwellings
2. Barns, and their accessory uses and buildings
3. The growing and selling either retail or wholesale of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agricultural farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
4. A church, public library, public or private school or other religious, charitable or educational institution and a public park or playground
5. Other special structures and uses as specifically provided in Conditional Uses Permitted section.

Minimum Lot Area: one (1) acre (43,560) square feet

Minimum Frontage: one hundred fifty (150) feet

Minimum Front Yard: seventy-five (75) feet from the center of the road

Minimum Rear Yard: thirty (30) feet

Minimum Side Yard: twenty (20) feet each side

Minimum Main Building Size: one thousand (1,000) square feet

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IV ZONING DISTRICTS (Continued)**

#### **Page 4-2**

Residential District

In the residential districts only the following buildings, structures, and uses shall be permitted.

1. Uses Permitted: After obtaining a valid Zoning Certificate

- A. Agriculture
- B. Single Family Dwelling or 2 Family Dwelling
- C. Other special structures and uses as specifically provided in Conditional Uses Permitted section.
- D. Public Uses – Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playground.
- E. Customary home occupation in the dwelling house used by the private resident providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this resolution.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

Minimum Lot Area: one (1) acre (43,560) square feet

Minimum Frontage: one hundred fifty (150) feet

Minimum Front Yard: seventy-five (75) feet from the center of the road

Minimum Rear Yard: thirty (30) feet

Minimum Side Yard: twenty (20) feet each side

Minimum Main Building Size: one thousand (1,000) square feet

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IV ZONING DISTRICTS (Continued)**

#### **Page 4-3**

#### 402 Secondary Business District (SB).

In the Secondary Business District only the following buildings, structures, and uses shall be permitted:

1. Uses Permitted: After obtaining a valid Zoning Certificate
  - A. All out buildings, structures, and uses permitted in Residential and Agricultural districts.
  - B. General retail stores, shops, and restaurants including, but not limited to general stores, grocery stores, antique stores, bulk food stores, clothing store, and other similar retail

establishments. Said retail establishments may include on – premises dining that is incidental to the sale of food and merchandise.

- C. The following shall be specifically excluded from Secondary Business Districts: motor vehicle gasoline filling stations, motor vehicle sales lots, junkyards, and Adult Entertainment Establishments as defined in Section 2907.39 of the Ohio Revised Code. Any process of manufacture, assembly or treatment which normally constitute a nuisance by reason of odor, noise, vibration, dust, or smoke, or which constitutes a fire hazard. Junk yards, second hand material yards, and automobile dis-assembly plants. The storage of explosives, and the storage of crude oil or any of its volatile products, or other highly inflammable liquids in above ground tanks.
- D. Other special structures and uses as specifically provided in Conditional Uses Permitted section.

Minimum Lot Area: Four (4) acres (174,240) square feet

Minimum Frontage: Three Hundred (300) feet

Minimum Front Yard: One Hundred (100) feet from the center of the road

Minimum Rear Yard: Fifty (50) feet

Minimum Side Yard: Fifty (50) feet each side

Minimum Main Building Size: One Thousand (1,000) square feet

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IV ZONING DISTRICTS (Continued)**

#### **Page 4-4**

#### 403 Commercial/ Industrial District (CI)

In the Commercial/ Industrial District only the following buildings, structures, and uses shall be permitted.

- 1. Uses permitted after obtaining a valid Zoning Permit.
  - A. All outbuildings, structures, and uses permitted in Residential, Agricultural, and Secondary Business districts.
  - B. Including but not limited to: Manufacturing, warehousing, wholesale distribution, restaurants, hotel/motel, service station.
  - C. Those businesses excluded from the Secondary Business

District.

- D. The following are specifically prohibited: Junk yards, second hand material yards, and automobile dis-assembly plants. The storage of explosives, and the storage of any of its volatile products.
- E. Other special structures and uses as specifically provided in Conditional Uses Permitted section.

Minimum Lot Area: Four (4) Acres (174,240) square feet

Minimum Frontage: Three Hundred (300) feet

Minimum Front Yard: One Hundred (100) feet from the center of the road.

Minimum Rear Yard: Fifty (50) feet

Minimum Side Yard: Fifty (50) feet

Minimum Main Building Size: One Thousand (1,000) square feet

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IV ZONING DISTRICTS (Continued)**

#### **Page 4-5**

#### **404 Residential Enterprise – Supplemental Regulations**

- 1. All Residential Enterprises are a conditional use for a specific business. Conditional use applications must be filed by the property owner. In the case where the property becomes a rental, the owner of the property and the owner of the business, who is the renter, must apply jointly.
- 2. The owner of the Residential Enterprise must live on the same lot of record as the enterprise. One or more resident(s) shall work at the enterprise. A maximum of four (4) non-residents may be employed by that enterprise.
- 3. The Residential Enterprise shall be a use that is secondary to the use of the property as a residence.
- 4. The enterprise may operate in a garage or an accessory building.
- 5. A Residential Enterprise is permitted only after the property owners and Residential Enterprise owner obtain a valid Conditional Use Certificate for the enterprise. The Certificate is non-transferable.
- 6. A Residential Enterprise shall be limited to low-intensity activities.
- 7. The Residential Enterprise shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.
- 8. A sign advertising the Residential Enterprise shall not exceed six (6) square feet



and shall not be closer than thirty-five (35) feet from the center of road for Township Road; forty (40) feet from center of the road for County Road; fifty (50) feet from center of the road for State Road and shall be kept in good repair.

9. The parking lot specifically designated for the Residential Enterprise shall be clearly marked and not exceed twelve hundred (1200) square feet.
10. Adequate turn around space must be provided so as to eliminate vehicles from backing out on to a main thoroughfare.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE V EXCEPTION AND SPECIAL PROVISIONS**

#### **PAGE 5-1**

501

##### Conditional Uses Permitted

The Board of Appeals as hereinafter created may authorize the issuance of a permit for any of the following buildings or uses:

1. A nursing home or hospital.
2. A clubhouse without features likely to occasion a nuisance in a residential neighborhood by reason of noise or other objectionable characteristics.
3. A public or quasi-public building or private athletic field.

Such special permits may be authorized by the Board of Appeals only upon satisfaction in each instance of such conditions as general character, height and use of structures,, the provisions of surrounding open spaces and treatment of the grounds as to street capacity and use, as in the opinion of the Board of Appeals may be necessary to safeguard public health comfort and convenience and as may be required for the preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS**

#### **PAGE 6-1**

600

##### Temporary Structures

Temporary Structures for human habitation may be permitted during construction or reconstruction of a residence. Such temporary structure shall be used only after approval by the Health Department for the sewage system and water supply. A certificate for the location of said temporary structure shall not be

required. All temporary structures shall be inspected after six (6) months. In no case shall a temporary structure be used for more than one (1) year.

601 Abandoned Structures

Abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks or other structures in a similar condition, which create potential health hazards, shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a zoning certificate shall be issued, or within ninety (90) days, whichever comes first.

602 Junk

1. Junk such as abandoned vehicles, 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 shall be removed from the view of the public right-of-way.
2. Any articles covered by this section and found to be creating a Health or Safety hazard shall be eliminated.
3. Any Junk yards, automobile grave yards or disassembly plants are specifically prohibited.
4. No more than two (2) unlicensed or inoperable motor vehicles shall be permitted on a lot of record, unless stored in a completely enclosed building.

603 Yard Requirements

1. Interior lots having frontage on two roads shall provide the required front yard on both roads.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along both right-of-ways.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

#### **Page 6-2**

604 Home Occupation

1. A Home Occupation must be located entirely within the main dwelling and/or attached garage of the owner of the Home Occupation and shall be a use clearly incidental to the use of the dwelling as a residence.
1. A Home Occupation shall be limited to low intensity activities, be inconspicuous and not alter the appearance of the neighborhood.

2. A Home Occupation shall generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners.
3. No accessory building or other structures located either on the same parcel or on another parcel, may be used for activities related to the Home Occupation.
4. The Home Occupation shall occupy not more than three hundred (300) square feet.
5. Only full time live-in residents in which the Home Occupation is located shall be employed by the Home Occupation, whether compensated or not.
6. Signs advertising the Home Occupation are not to exceed six (6) square feet and shall not be closer than thirty-five (35) feet from the center of the road for County Road. And shall be kept in good repair.
7. A Home Occupation shall have adequate turn around space provided so as to eliminate vehicles from backing out on to a main thoroughfare.
8. Creating additional parking to be used principally by the Home Occupation is prohibited.
9. Separate sanitation facilities shall not be installed in a building or located on the site for use by the Home Occupation.
10. All equipment and supplies must be stored inside the dwelling or garage.

1 Keeping of Animals or Fowl

1. Not more than two of the following: cows, horses, swine, sheep, goats shall be raised on lots of less than one and one half (1-1/2) acres.
1. Chickens, fowl or rabbits shall not be kept on lots of less than twenty thousand (20,000) square feet.
2. Animal runs, barns, pens, shelters or colonies shall be no closer than one hundred and fifty (150) feet to the front of the property line nor closer than fifty (50) feet to any other property line or dwelling.
3. All health and sanitation requirements of the State or County shall be followed.

## VERMILLION TOWNSHIP ZONING

### ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)

#### **Page 6-3**

606 Public Nuisances and Hazards

No land, building or vehicle shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious 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. The responsibility of determining whether a nuisance exists has been given to the Board of Township Trustees. (\*Reference Ohio Revised Code 505.86 and Ohio Revised Code 505.87)

607         Signs

In a residential district, no stationary signs, or billboards shall be permitted except customary professional signs not larger than two (2) square feet, real estate signs not larger than eight (8) square feet, when placed on properties offered for sale; sign appropriate or public or quasi-public building; signs identifying a building or use permitted under this ordinance and signs incident to legal process and necessary to the public welfare.

608         Non-Conforming Buildings and Uses

1. Any lawful uses of buildings or land existing at the time of the adoption of this Resolution may continue, even though such use does not conform to the District requirements.
2. A non-conforming structure or use may be enlarged maximum of twenty percent (20%) of the original floor or ground area provided that all other requirements concerning setback and lot area are met.
3. Whenever a building or land use becomes non-conforming through an amendment to this Resolution or to the Zoning Map, such use may continue.
4. Any non-conforming use that is discontinued for a period of two (2) or more years shall not again be started except in total conformation with these Regulations.
5. Any structure under construction at the time of adoption of these Regulations designed for a conforming use may be used for its intended purpose.
6. A non-conforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that up to seventy-five percent (75%) of the structure must be replaced, may be restored to the same use within twelve (12) months provided all reconstruction portions of the structure conform to the requirements of these Regulations.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

#### **Page 6-4**

7.                                 A non-conforming use may be substituted for a lawful non-conforming use provided that such use is of the same kind and character as the prior lawful non-conforming use and does

not result in an increase in noise, pollution, lighting, traffic, dwelling units or in the number of persons using the property.

1 Manufactured Dwellings

1. All manufactured dwellings shall conform to the all criteria in Article III, Section 311.
2. All tongues, axles and hitches shall be removed.
3. The manufactured dwelling shall be taxed as real property.
4. The manufactured dwelling must be permanently installed to meet the manufacturer's installation requirements as well as applicable state and county building regulations.
5. The manufactured dwelling shall conform to all residential regulations for the district in which it is located.

610 Mobile Homes are Prohibited

611 Sexually Oriented Business

Shall be located in Commercial/ Industrial Districts Only

1. For the purpose of establishing distances in this subsection on sexually oriented business measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of those entities established in this section.
2. No sexually oriented business shall be permitted in a location which is within one (1) mile of another sexually oriented business.
3. No sexually oriented business shall be permitted in a location which is within seven hundred and fifty (750) feet of any church, public or private school, park, playground, playing field or any place of business which regularly has minors on the premises, any social services facility, neighborhood recreation center, residential lot line, residential district of the locating township or of any abutting township or any public building or hospital.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

#### **Page 6-4a**

1. Any sexually oriented business lawfully operating on the adoption or amendment date of this resolution shall be deemed a non-conforming use. The non-conforming use will be permitted to continue unless terminated for any reason or voluntarily discontinued for a period of two years or

more. Such non-conforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

2. The sexually oriented business shall upon application for conditional use permit be subject to site plan approval by both the Vermillion Township Board of Appeals.
6. All off-street parking areas and building entries serving the sexually oriented business shall be illuminated at all times. With a lighting system which provides adequate lighting of the exterior premises to provide for visual inspection and/or video recording and monitoring to prohibit loitering. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and theft. The lighting shall be shown on the required plot plan and shall be subject to review for compliance.
7. The external cameras and monitors shall operate continuously at all times. The monitors shall be installed within a manager's station.
8. It shall be the duty of the operator of a sexually oriented business to initiate and enforce a no loitering policy within the external boundaries of the real property upon which the sexually oriented business(es) is located. Conspicuous signs stating that no loitering is permitted on such property shall be posted.
9. A minimum lot size of four (4) acres is required.
10. All yard setbacks shall be at least one hundred (100) feet.
11. No amplifiers or loudspeakers of any type shall be installed outside the building.
12. A buffer zone of privacy type trees planted on an earthen mound for a combined minimum height of eight (8) feet with the evergreens planned in a manner to provide a solid wall, in a strip of land not less than twenty-five (25) feet in width restricting the view of the sexually oriented business from any residential, church, school, or public area that may border the sexually oriented business lot. Buffer zone will be kept neat and clean from any debris and dead trees must be replaced.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

#### **Page 6-4b**

13. Signs, advertisements, displays, or other promotional materials

depicting or describing "specified anatomical areas" or "specified sexual activities or displaying instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the sexually oriented business is conducted.

14. Each sexually oriented business shall have a business entrance separate from any other non-adult business located in the same building.
15. All building openings, entries, and windows for a sexually oriented business shall be located, covered or screened in such a manner as to prevent a view into the interior of a sexually oriented business from any area open to the general public.
16. No sexually oriented business shall be operated in any manner that permits the observation by the public of any material depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the sexually oriented business establishment is conducted.
17. All entrances and exits "with exception to emergency" to the sexually oriented business shall be visible from the adjoining street(s) or roadway(s) and be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.
18. All exterior areas of sexually oriented business, including buildings, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris.
19. All on-site parking and driveways "with exception to emergency vehicles" for the sexually oriented business shall be established so as to be visible from the adjoining street(s) or roadway(s).

612 Blank

613 Blank

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

614 Telecommunication Tower and Facilities

1. Purpose: It is the purpose of Sections (528)- (529) and (530) of this Vermillion Township Zoning Resolution to regulate wireless telecommunication antennas, towers, and facilities in order to promote public health, safety, and morals in accordance with the comprehensive plan. Accordingly, the regulations and conditions set forth herein are warranted and necessary to:

- A. Accommodate the wireless telecommunication towers and facilities as authorized by the Federal Telecommunications Act of 1996 (Public Law 104-104) in order to enhance telecommunication services and competition particularly wireless telecommunication service.

- 1 Public Utility Telecommunication Towers

1. Public Utility telecommunication towers not located in areas of the township zoned for residential -use (Residential Districts (R)) are exempt from regulation by the township.
2. Public Utility Telecommunication Towers are prohibited in Residential Districts to the fullest extent permitted by R.C. 519.211.

- 1 Solar Energy Systems

1. Purpose: It is the purpose of these regulations to promote the safe, effective and efficient use of solar energy systems and shall be to:

- A. Accommodate the desire for solar energy systems in a safe, effective and efficient manner.
- A. Reduce the on-site consumption of utility supplied electricity by permitting the use of solar energy as an abundant, renewable, and non-polluting energy resource.
- A. Reduce carbon emissions and dependence on nonrenewable energy.
- B. Minimize aesthetic and visual effects of solar energy systems through proper design and siting.
  - E. Ensure the safety and structural integrity of solar energy systems in compliance with applicable industry standards and requirements.
  - F. Preserve the rural, suburban and urban character of neighborhoods adjacent to solar energy systems.
1. Nothing in this resolution shall be construed to confer jurisdiction on Vermillion Township to regulate facilities that are under the sole jurisdiction of the Ohio Power Siting Board.



## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)

#### Page 6-5a

1. Use Provisions
  - A. Solar energy systems shall be permitted as an accessory use in all zoning districts where structures are otherwise permitted by right pursuant to the receipt of all necessary Zoning Certificates, construction, electrical and/or mechanical permit(s). Solar energy systems regulated herein are intended to provide energy for the principal use and/or accessory use of the property on which the system is located and shall not be used for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit sale of excess power generated from time to time to the local utility provider.
4. Standards for Solar Energy Systems
  - A. A solar energy system may be ground mounted or roof mounted consistent with the following:
    1. Ground mounted solar energy systems.
      - (a) Ground mounted systems shall comply with all area, height and setback requirements for the zoning district within which the solar energy system is installed, except that in no case shall ground mounted systems be setback less than ten (10) feet from all property lines. The area of a ground mounted solar energy system shall be calculated as building coverage and shall not exceed the building coverage of the underlying zoning district. The area of a ground mounted solar energy system is the dimension of the footprint of the cumulative solar panel(s), regardless of mounting angle. Where two or more panels are grouped together, the dimensions (length and/or width) shall be the cumulative dimension of the panels.
      - (b) All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
      - (c) Ground mounted systems shall not be permitted in a front yard.
      - (d) Any earth disturbance attributable to system installation or removal shall be rectified; all disturbed areas shall be graded and reseeded or otherwise stabilized.
      - (e) Ground arrays shall not exceed a height of fifteen (15) feet.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)

#### Page 6-5b

5. Roof mounted solar energy systems.
  - A. Roof mounted systems shall conform to the height regulations of the underlying zoning district except that the height of the solar energy system may exceed the maximum height of the underlying district by no more than twenty-four (24) inches.
  - B. In no instance shall any part of the solar energy system extend beyond the edge of the roof.

6. Glare

All solar energy systems shall be oriented to avoid off-site glare. Applicants shall demonstrate that the solar array has been designed, constructed and oriented to mitigate the visual impact from public roads and nearby uses and that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

7. Screening and buffering

The color and other visual features of the solar energy system shall be designed and installed in such a manner so as to create the least visual impact practicable. All mechanical equipment associated with and necessary for the operation of the solar energy system shall be screened from any adjacent property; screens may consist of shrubs, trees or other non-invasive plants or where applicable, fencing. Where warranted, the Township Zoning Inspector may require the applicant to demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent roadways and neighboring properties (with permission of the owners).

8. Heat load on adjacent properties

No solar energy system shall create any additional heat load on neighboring properties.

1. Noise

Sound affiliated with solar energy systems shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line; in no case shall the sound pressure level exceed 55 db (A) (according to the American National Standards Institute (ANSI) "a" weighted scale) at the property line closest to the solar energy system.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

## **ARTICLE VI SUPPLEMENTAL REGULATIONS (Continued)**

### **Page 6-5c**

#### 616 Solar Energy Systems (continued)

##### 10. Signage

All signs, other than manufacturer's or installer's identification signs, appropriate warning signs, or owner identification signs, shall be prohibited. There shall be no antennae, advertising, or other items or material affixed to or otherwise placed on a solar energy system.

##### 11. Design Requirements

The design of the solar energy system shall conform to applicable Industry standards, including those of the American National Standards Institute (ANSI). All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies, as needed.

##### 1. Lighting

Solar energy systems shall not be lighted except as otherwise required by law.

##### 1. Abandonment

Any solar energy system that has not been in active and continuous service for a period of one (1) year, shall be removed from the property to a place of safe and legal disposal. All structures or enclosures accessory to the solar energy system shall also be completely removed from the property in like fashion. The former solar energy system site shall be restored to as natural condition as possible within six (6) months of removal and/or necessary roof repairs made to assure structural integrity and protection from the weather.

##### 1. General Standards

A. Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to any solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easements from neighboring property owners and to notify the Township upon the recording of any such easement.

B. Any solar energy system not in compliance with the standards contained herein

shall be considered to be in violation of this resolution.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VII ENFORCEMENT

#### PAGE 7-1

#### 700 Zoning Permits

1. A Zoning Permit shall be obtained for the following:
  - A. Establishing or changing any use of land
  - B. Locating, erecting, constructing or reconstructing (with alteration of square footage) any structure
  - C. Enlarging or structurally altering any building or structure within Vermillion Township (see Article III)
  - D. All dwellings
  - E. All principal structures and uses
  - F. All accessory structures and uses
  - G. All temporary uses unless otherwise specified
  - H. Establishing a new business or changing a previous existing business
  - I. Re-establishing a business that has been dormant for two (2) or more years
1. A Zoning Permit shall be issued when the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, or when the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use.
2. A Zoning Permit shall not be required for the following:
  - A. Use of land for agricultural purposes or buildings or structures exclusively used for agricultural purposes
  - B. Structures, not including buildings, required in the provision of essential services (see Article III)
  - A. Portable structures less than one hundred fifty (150) square feet
  - B. Occasional use businesses that are exempted from Ohio State sales tax requirements
    - E. Overnight parking of a work vehicle used for commuting if the vehicle has six (6) or less wheels
    - F. Businesses conducted entirely inside a residence, garage, or accessory building, with no outside signs, and which will not create customer or supplier traffic.

701            Application for Zoning Permit

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 Township Trustees, shall be submitted to the Zoning Inspector for review and action. All fees collected must be turned in by the Zoning Inspector to the Township Fiscal Officer within thirty (30) days.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VII ENFORCEMENT (Continued)**

**Page 7-2**

702            Approval of a 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. A receipt will be given to the applicant as evidence of an approved permit. The original permit paper work shall be retained by the Zoning inspector.

703            Expiration of a Zoning Permit

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

704            Record of Zoning Permits

The Zoning Inspector shall maintain a record of all Zoning Permits. These records shall be open for review by the public upon request.

705                            Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a violation of this Resolution and referred to the Ashland County Prosecutors office for possible prosecution. Nothing shall prevent the Township from taking lawful action as is necessary to prevent or remedy any violation.

706            Construction and Use to be as Provided in Applications, Plans and Permits

Zoning Permits issued on the basis of applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved

plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 608.

707 Complaints Regarding Violations

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

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VII ENFORCEMENT (Continued)

#### Page 7-3

708 Procedures Upon Discovery of Violations

1. Written Notice, Zoning Citation, and/or Stop Work Order

The Zoning Inspector may serve a Written Notice, Zoning Citation, and/or Stop Work Order to the persons responsible for any violation of this resolution. The Written Notice, Zoning Citation and/or Stop Work Order shall indicate:

- (a) the nature of the violations;
- (b) the actions necessary to correct the violations;
- (c) the time period allowed for correction; and
- (d) shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the other provisions of this Resolution governing appeals filed with the Board of Zoning Appeals.

Additional Written Notices, Zoning Citations, and/or Stop Work Orders may be issued at the Zoning Inspector's discretion.

2. Correction Period

A Written Notice, Zoning Citation, and/or Stop Work Order issued by the Zoning Inspector shall state the time period allowed for correction. Correction shall be made within a reasonable period of time, reasonable for the degree and type of violation, at the discretion of the Zoning Inspector, but not to exceed thirty (30) days after receipt of a written notice of said violation by the owner of the property. Any violation not corrected by the allowed period of correction set by the Zoning Inspector shall be reported to the Township Trustees.

3. Emergency Correction or Enforcement

Notwithstanding the foregoing, in cases of a repeat violation by the same person or on the same parcel, or when delay would pose an immediate or serious danger to the public health or safety, the Zoning Inspector may demand immediate correction of the violation and may seek immediate enforcement of this resolution by invoking any of the remedies authorized by the general laws of the State of Ohio including, without limitation, any actions which the Zoning Inspector is authorized to take by the Board of Trustees under Ohio Revised Code 519.24 and/or 519.99.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VII ENFORCEMENT (Continued)**

**Page 7-4**

709 Schedule of Fees, Charges and Expenses

The Board of Township Trustees shall by Resolution establish a schedule of fees, charges and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, conditional use Certificates, plan approvals and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Vermillion Township and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges and expenses have been paid in full; no action shall be taken on any application or appeal.

710 Zoning Permit Requirements

Applicants who fail to obtain Zoning Permits or fail to follow proper procedure, shall be charged double the required Zoning Permit fee.

711 Remedy for Nuisances

The Board of Township Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the Board determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VIII ADMINISTRATION**

**Page 8-1**

800

Office of the Zoning Inspector Created

A Zoning Inspector appointed by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.16.1 of the Ohio Revised Code.

801

Duties of the Zoning Inspector

It shall be the duty of the Zoning Inspector, an appointee of the Board of Township Trustees, to do the following within such monetary authority and policy guidelines as may be established by the Board of Township Trustees:

1. Enforce this Resolution.
2. Receive, review and approve or deny applications for Zoning Permits.
1. Receive, review, and approve or deny all applicable subdivision plat and lot splits which are submitted to the Ashland County Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Resolution.
2. A) Receive and review applications for appeals, conditional use and variance submitted in proper form with corresponding fees.
  - A) Forward corresponding fees with explanation of application to Township Fiscal Officer within thirty (30) days of receipt.
5. A) Receive and review applications for a change of zoning submitted in proper form with corresponding fees.
  - B) Forward corresponding fees with explanation of application to Township Fiscal Officer within thirty (30) days of receipt.
6. Perform on-site inspections.
7. Investigate violations of this Resolution and, where appropriate, issue such Written Notices, Zoning Citations, and/or Stop Work Orders as may be deemed necessary by the Zoning Inspector to prevent and/or stop violations, and administer the provisions of this Resolution through the Prosecutors office.
8. Maintain records of zoning activity including Zoning Permits, variances, and non-conforming uses.
9. Provide reports of zoning activities and inspections to the Zoning Commission and the Board of Trustees as needed.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VIII ADMINISTRATION (Continued)**



**Page 8-2**

801 Duties of the Zoning Inspector (Continued)

The Zoning Inspector, and any other departments, officials, and public employees of Vermillion Township, vested with the duty or authority to issue Zoning Permits, shall conform to the provisions of this Resolution and shall issue no Zoning Permits for any use, building or purpose in conflict with the provisions of this Resolution.

It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him/her upon new construction, reconstruction or land uses or upon seeing violations.

Appeals from any decision of the Zoning Inspector may be made to the Board of Zoning Appeals.

802 Zoning Commission Created

The Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years. Each member shall be a resident of Vermillion Township. Members of the Zoning Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

803 Duties of the Zoning Commission

For the purposes of this Resolution, the Board shall have the following duties:

1. Initiate proposed amendments to this Resolution.
2. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.
3. Maintain Township Zoning Map as specified in Section 106.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VIII ADMINISTRATION (Continued)**

**Page 8-3**

804 Board of Appeals Created

The Board of Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years. Each member shall be a resident of Vermillion Township. Members of the

Board of Appeals may be removed from office by the Board of Township Trustees for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

The Board of Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman or vice-chairman, or at the call of a majority of the members of the Zoning Commission. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Trustee.

805 Proceedings of the Board of Zoning Appeals

Meetings of the Board of Appeals shall be held at the call of the Chairman or at the call of a majority of members of the Board of Zoning Appeals. The Chairman, or in his/her absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Trustee in Vermillion Township.

806 Duties of the Board of Zoning Appeals

In exercising its duties, the Board of Zoning Appeals may, as long as such an action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of a majority of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purposes of this Resolution, The Board of Zoning Appeals has the following specific responsibilities:

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VIII ADMINISTRATION (Continued)**

**Page 8-4**

1 Duties of the Board of Zoning Appeals (Continued)

- A. To hear and decide appeals by any person affected or any township Officer who alleges there is an error in any order, requirement, decision, interpretation or determination made by the Township Zoning Inspector.
- B. To authorize variances from the terms of this Resolution.
- C. Variances from this Resolution will not be contrary to the public interest, but, will be granted when owing to the specific conditions, a literal enforcement of this Resolution will result in unnecessary hardship. For all variances, the spirit of this Resolution shall be observed and substantial justice done.
- D. In exercising the above mentioned powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision, or determination as ought to be made, and to that end, shall have all the powers of the Township Zoning Inspector.

808 Role of the Township Trustees

The Township Trustees shall be responsible for:

- A. Appointing a Zoning Inspector and members of the Zoning Commission and the Board of Zoning Appeals.
- B. Establishing a schedule of fees for issuing zoning permits, appeals, variances, processing amendments, and any other zoning actions requiring postage, legal advertising, inspections or expert review, or general processing of applications.
- C. Consideration of and adoption, rejection or modification of proposed amendments to this Resolution as provided in Article IX.
- D. Approving funds as needed for enforcement.

Nothing in this Resolution shall be interpreted to prevent any official of Vermillion Township from appealing a decision of the Board of Zoning Appeals to the Courts as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board of Zoning Appeals written decision.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE VIII ADMINISTRATION (Continued)**

**Page 8-5**

1 Appeals

- A. Appeals to the Board of Zoning Appeals may be made by:
  - 1. Any person affected by the decision of the Zoning Inspector.

2. Any officer of the Township.

- A. The appeal shall be made within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of such appeal specifying the grounds for the appeal on Board of Zoning Appeals.
- B. The Zoning Inspector or administrative officer shall submit to the Board of Zoning Appeals all records related to the situation which is being appealed.
- C. When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Board of Zoning Appeals shall hold a public hearing within a reasonable time.
- D. Notice of the Public Hearing shall be provided in the following ways:
  - 1. The Board of Zoning Appeals shall give at least ten (10) days written notice to all parties of interest and to any person, firm, or corporation owning premises located within six hundred (600) feet of the land that is the subject of appeal.
  - 2. In addition, the Board of Zoning Appeals shall inform the general public of the Public Hearing by placing one (1) notice of the hearing in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing.
  - 3. The notice shall contain the following information:
    - a). The time, date, and place of the Public Hearing.
    - b). The name of the Board of Zoning Appeals that will be conducting the hearing.
    - c). A statement indicating that the application is an appeal.
    - d). A list of the addresses of all properties related to the appeal and of the names of owners of these properties as they appear on the County Auditor's current Tax List.
    - e). The time and place where the appeal application will be available for examination for a period of at least ten (10) days prior to the public hearing.
    - f). 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 Board of Zoning Appeals.
    - g). Any other information requested by the Board of Zoning Appeals.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VIII ADMINISTRATION (Continued)

#### Page 8-5a

##### 1 Appeals (Continued)

- F. At the hearing, any person may appear in person or by attorney. The Board of Zoning Appeals may recess such hearings as necessary, and if the time and place of the continued hearing be publicly announced at the time of recess, no further notice shall be required. The Board of Zoning Appeals must decide the appeal within a reasonable time after its Public Hearing.
- G. The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board of Zoning Appeals.
- H. 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.
- I. Fees as established by the Board of Trustees shall be paid upon the filing of any request for an appeal. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request for an appeal prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fees paid upon filing of any request for an appeal shall not cover any of the fees required for the Zoning Permit required for developments that have been appealed.

## VERMILLION TOWNSHIP ZONING RESOLUTION

### ARTICLE VIII ADMINISTRATION (Continued)

#### Page 8-6

810

##### Variances

- A. All requests for variances shall be made to the Board of Zoning Appeals in writing and which may include:
  - 1. Name, address, telephone number, and e-mail address of the applicant;
  - 2. Legal description of the property including tax parcel ID number
  - 3. Description of nature of variance requested

4. A narrative statement demonstrating that the requested variance conforms to the following standards:
  - a). That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
  - b). That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Resolution.
  - c). That special conditions and circumstances do not result from the actions of the applicant.
  - d). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures or buildings in the same district.
  - e). That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance.

1. A fee as established by the Township Trustees.

The burden of proof for granting a variance shall rest with the applicant. In granting any variance the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under Article VI of this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VIII ADMINISTRATION (Continued)**

#### **Page 8-6a**

- B. When a notice of variance has been filed in the proper form

with the Board of Zoning Appeals, the Board of Zoning Appeals shall hold a public hearing within a reasonable period of time.

- C. Notice of the Public Hearing shall be made in the following ways:
1. Give at least ten (10) days written notice to the parties in interest and to any person, firm, or corporation owning premises located within six hundred (600) feet of the land that is the subject of the variance.
  2. In addition, the Board of Zoning Appeals shall inform the public of the hearing by placing one (1) notice in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of the hearing.
  3. The notice shall contain the following information:
    - a). The time, date and place of the Public Hearing.
    - b). The name of the Board of Zoning Appeals that will be conducting the Public Hearing
    - c). A statement indicating that the application is a variance
    - d). A list of the addresses of all properties related to the variance and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
    - e). The time and place where the variance application will be available for examination for a period of at least ten (10) days prior to the public hearing.
    - f). 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 Board of Zoning Appeals.
    - g). Any other information requested by the Board of Zoning Appeals.
- D. At the hearing, any person may appear in person or by attorney. The Board of Zoning Appeals may recess the hearing as necessary, and if the time and place of the continued hearing be publicly announced at the time of the hearing, no further notice shall be required.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE VIII ADMINISTRATION (Continued)**

E. A variance shall not be granted unless the Board of Zoning Appeals finds that all of the following conditions exist:

1. The strict application of the provisions of the Resolution would result in unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
2. 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.
3. 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 of Zoning Appeals may impose such conditions as it may deem necessary to protect public health and safety and to further the purpose and intent of this Zoning Resolution.
4. These conditions shall be made a part of and be attached to the Zoning Certificate which is required for a variance.
5. Any variance granted for access to a dwelling site must be a minimum of sixty (60) feet wide.

F. The Board of Zoning Appeals must decide the variance within a reasonable time after its hearing.

G. The Secretary of the Board of Zoning Appeals shall promptly notify the applicant in writing the decision of the Board of Zoning Appeals within Ten (10) days.

H. Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance. 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 fees paid upon of any request for a variance shall not cover any of the fees required for the Zoning Receipt required for developments covered by this variance.

I. The Board of Zoning Appeals shall maintain a publicly accessible list of currently active and approved variances, which shall include the Tax ID number for each property.



## **ARTICLE IX AMENDMENT**

### **Page 9-1**

#### 900 General

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

#### 901 Initiation of Amendments to Zoning

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

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

#### 902 Application for Amendment

Applications to amend the Official Zoning Map of Vermillion Township or any part of this Resolution shall be submitted to the Zoning Inspector by the owner or lessee of the property for which a change is sought or by one or more individuals seeking a change in this Resolution. The application shall include the proper fee and any additional information deemed necessary. Applications for amendments sought by the Zoning Commission or by the Board of Township Trustees shall be made by Resolution by one of these bodies.

#### 903 Submission to the Ashland County Planning Commission

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a certified Resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application together with the text and map pertaining to the proposed amendment in question to the Ashland County Planning Commission. The Ashland County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval with some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendations shall be considered at the Public Hearing held by the Zoning Commission on such proposed amendment.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

## **ARTICLE IX AMENDMENT (Continued)**

## Page 9-2

### 904 Public Hearing by the Zoning Commission

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

### 905 Notice of Public Hearing

Before holding the public hearing as required in Section 805, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) newspaper of general circulation of the Township at least ten (10) days before the date of the said hearing. This notice shall set the time and place of the public hearing, and the nature of the proposed amendment and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

### 906 Notices to Property Owners by the Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to and directly across the thoroughfare from such areas proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in the newspapers as specified in Section 907.

### 907 Contents of Notice of Zoning Commission Public Hearing

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list the published and mailed notices shall set for the time, date, and place of the public hearing and shall include all of the following:

- A. The name of the Zoning Commission that will be conducting the public hearing;
- B. A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- C. A list of 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;

# VERMILLION TOWNSHIP ZONING RESOLUTION

## ARTICLE IX AMENDMENT (Continued)

### Page 9-3

907

#### Contents of Notice of Zoning Commission Public Hearing

(Continued)

- D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - E. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - G. Any other information requested by the Zoning Commission;
  - H. A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.
2. If the proposed amendment alters the text of the zoning resolution or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- A. The name of the board that will be conducting the public hearing on the proposed amendment;
  - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - C. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - D. The name of the person responsible for giving notice of the public hearing by publication;
  - E. Any other information requested by the board.

908

#### Recommendation by the Zoning Commission

The Zoning Commission shall, within thirty (30) days after the public hearing required in Section 807, recommend the approval or denial of the proposed amendment, or the approval of some modification of it and submit such recommendation together with such application or resolution, the text and map pertaining to it and the recommendation of the County Planning Commission on it

to the Board of Township Trustees.

909 Public Hearing by the Board of Township Trustees

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Township Trustees 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 such hearing.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IX AMENDMENT (Continued)**

#### **Page 9-4**

1 Contents of Notice of Township Trustees Public Hearing

1. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the county's auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
  - A. A The name of the board that will be conducting the public hearing.
  - B. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - C. 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;
  - D. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
  - E. The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - F. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
  - G. Any other information requested by the board.
  
1. If the proposed amendment alters the text of the zoning resolution or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
  - A. The name of the board that will be conducting the public hearing on the proposed amendment;
  - B. A statement indicating that the motion, application, or resolution is an amendment

to the zoning resolution;

- A. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing;
- B. The name of the person responsible for giving notice of the public hearing by publication;
- C. Any other information requested by the board.

## **VERMILLION TOWNSHIP ZONING RESOLUTION**

### **ARTICLE IX AMENDMENT (Continued)**

#### **Page 9-5**

911        Action by the Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 810, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Board, the unanimous vote of the Township Trustees is required.

912        Effective Date and Referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the date of such adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the Zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection at a special election to be held on the day of the next primary or general election. No amendment for which 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. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Ohio Revised Code.

The form of the petition calling for a zoning referendum and the statement of the circulator can be found in the Ohio Revised Code Section 519.12.

913        Filing of Amendments

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County Planning Commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

**VERMILLION TOWNSHIP ZONING RESOLUTION**

**ARTICLE X INTERPRETATION, SEPARABILITY AND REPEAL  
OF CONFLICTING RESOLUTION, EFFECTIVE DATE**

**Page 10-1**

1000        Provisions of this Resolution Declared to be Minimum Requirements

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

1001        Separability Clause

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1002        Repeal of Conflicting Resolution

All resolutions, or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

1003        Effective Date

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.