

DENMARK TOWNSHIP ZONING RESOLUTION

DENMARK TOWNSHIP

ASHTABULA COUNTY, OHIO

2001

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DENMARK TOWNSHIP
APPENDIX

DEFINITIONS WHICH SHALL BE APPLICABLE IN CONSTRUING THE
FOREGOING RESOLUTION.

Words used in this resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, and the plural number shall include singular number. The word "shall" as used in this resolution is mandatory and not directory. The word structure shall include the word "building". The masculine gender as used in this resolution shall include the feminine and neuter gender and vice versa.

AGRICULTURE: The use of the land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and take off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary building and open spaces.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing wall, columns, beams or girders.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

BUILDING ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building.

COMMERCIAL: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend, in addition to serving day-to day needs of the community, also provide the more durable and permanent needs of the whole community.

CONDITIONAL USE: a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon the approval of the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

DWELLING: a building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01), which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping rooms, storage closets as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING.TWO FAMILY: A dwelling consisting of two-dwelling units which may be attached either side-by-side, or one above the other, and each unit having a separate or combined entrance or entrances.

EASEMENT: Authorization by a property owner for the use by another and for specified purpose, of any designated part of his property.

FAMILY: One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption or marriage or are minors under foster care.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding cornices, porches, terraces, sun porches, attached garages and basement floor areas not devoted to residential use. All dimensions shall be measured from the interior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and similar businesses.

GARAGES, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or boats of the occupants of the premises.

GARAGES, SERVICE STATIONS: Buildings and premises where motor vehicle accessories may be supplied and dispensed.

HOME OCCUPATION: An occupation conducted in a dwelling unit.

HOTEL, MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

JUNK: Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper rubber; junked, dismantled or wrecked automobiles or parts thereof; iron, steel, and other old scrap ferrous or non-ferrous materials.

"JUNK" BUILDINGS, SHOPS AND YARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

LANDFILL: The use of the land for dumping industrial, sanitary, nuclear or oil waste; disposal of the garbage and/or trash-- not allowed in any zone or district.

LIGHT INDUSTRY: Industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable of hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

LOT: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved publicly dedicated street or on an improved privately dedicated street and may consist of;

HOME OCCUPATION: An occupation conducted in a dwelling unit or outside the dwelling unit in a garage or an accessory building, provided that:

1) No more than one person other than members of the family residing on the premises shall be engaging in such occupation.

2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; the use of the garage or accessory building for the home occupation shall be clearly incidental and subordinate to the residential use of the principal building on the lot; and not more than twenty-five percent, (25%), of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

3) There shall be no change to the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding nine (9) square feet in area.

4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article II of this resolution and shall not be located in a required front yard.

5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage of the premises.

- 1) A single lot of record;
- 2) A portion of a lot of record;
- 3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of the lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "YARDS" in this section.

LOT MAINTAINENCE: No zoning permit is required.

LOT MEASUREMENT: A lot shall be measured as follows:

- 1) Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rear most points on the side in the rear.
- 2) Width: The distance between straight lines connecting front and rear lot lines at each side of the lot measured at the building set-back line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

- 1) Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
- 2) Interior Lot: A lot with only frontage on the street.
- 3) Through Streets: A lot other than a corner lot with frontage on more than one street. Through streets abutting two streets may be referred to as double frontage lots.
- 4) Reversed Frontage Lots: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MOBILE HOME: A moveable or portable structure designed and constructed to be towed as a unit or units, on it's or their own chassis and running gear, on the public streets or highways and designed, constructed and equipped with the necessary service connections for human occupancy and habitation as a "dwelling unit" whether resting on wheels, jacks or other supports from which such structure (s) can be readily removed and transported.

MOBILE HOME PARK: Means any tract of land upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided for lease or contract of the individual lots is a mobile home park if three or more mobile homes are parked thereon; centralized sewage and water on a 5450 sq. ft. lot.

NON-CONFORMITIES: A building, structure or a use of land existing at the time of enactment of this resolution and which does not conform to the regulations of the district or zone in which it is situated.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners or elderly people.

PARKING SPACE, OFF STREET: For the purpose of this resolution, an off street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, via duct, walk, bicycle path or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

QUASI-PUBLIC USES: Churches, Sunday schools, parochial schools, colleges, hospital and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

RECREATIONAL ACTIVITIES: Motorized or not, such as; snowmobiles, all-terrain vehicles, dirt bikes, motorcycles, dune buggies, four-wheel drive vehicles shall be prohibited; except on own land; unless written permission is obtained from the land owner.

RECREATIONAL FACILITIES: Shall mean recreational uses requiring open space and operated for non-profit, including swimming pools, camping, golf courses, hunting clubs, golf driving ranges, riding clubs, archery ranges and others, but not to include amusement parks, motor vehicle racing tracks, trampolines or commercial zoos.

RECREATIONAL VEHICLES: Camping structures such as a motor home, travel trailer, fifth wheel camper, pick-up camper, tent camper, cabin or tent and intended for the use as a temporary recreational residence.

PUBLIC RIGHT-OF-WAY: A strip of land taken or dedicated for the use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features (required) by topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE: A line established by the zoning resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said resolution.

SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located:

- 1) Sign, on-premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where a sign is located.
- 2) Sign, off-premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
- 3) Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light.
- 4) Sign, Lighting device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
- 5) Sign, Projecting: Any sign which projects from the exterior of a building.

SLAUGHTER HOUSE: Establishment primarily engaged in business for slaughtering, for their own account, or on a contract basis for the trade of cattle, hogs, sheep, calves, horses and other animals, fowls, for meat to be sold or to be used on the same premises in canning or curing, and in making sausage, lard and other products.

SPECIAL HAZARDS: Hazards such as noise, odors, pollution of air, streams and land shall be held to a minimum and be subjected to the State Department of Health, the State Department of Industrial Relations Regulations, and Environmental Protection Agency.

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

YARD: A required open space other than a court unoccupied and obstructed by any structure or portion of a structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility:

- 1) Yard, Front: A yard extending between side lot lines across the front of a lot line to the front of the principal building;
- 2) Yard, Rear: A yard between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building;
- 3) Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONING PERMIT: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

DENMARK TOWNSHIP ZONING RESOLUTION

A resolution providing for the zoning of Denmark Township by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purposes dividing the township into zones or districts of such number, sizes, and shapes as are deemed best suited to carry out said purposes, and providing for a method and proceedings for the administration and enforcements of this resolution.

WHEREAS, the Board of Trustees of Denmark Township deems it in the interest of the public health, morals, safety, comfort and general welfare of said township and its residents to establish a general plan of zoning of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Denmark Township:

SECTION I- PURPOSE

For the purpose of promoting health, morals, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan, the Zoning Commission appointed by the Board of Trustees of the Township, find it is advisable to regulate the location, size buildings and other structures, including tents, cabins, and Mobile Home Parks, percentage of lot areas which may be occupied, set-back building lines, the use of buildings and other structures including tents, cabins, and mobile homes and the uses of land.

SECTION II- ZONES

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following zones:

- 1) Agricultural- Residential
- 2) Airport Impact
- 3) Commercial

These zones are designated on a zoning map and are hereby established and said map is on file with the township clerk. The buildings or premises shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION III- AGRICULTURE- RIGHT TO FARM
AGRICULTURE- RESIDENTIAL ZONE

AGRICULTURE- RIGHT TO FARM

This right to farm specifically includes the use of irrigation equipment, aerial and ground seeding and spraying, large tractors, spreading manure, numerous farm laborers and application of chemical fertilizers, insecticides and herbicides.

When conducted in accordance with generally accepted agricultural practices, these activities may occur on holidays, Sundays and weekends, at night and in the day; and that the noise, odors, dust and fumes caused by these activities are also specifically permitted as part of the exercise of this right to farm.

Exemption of agricultural uses: Nothing contained herein to the contrary, this resolution shall in no way prohibit the use of any land for agricultural purpose or the construction of, or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located; and no zoning certificate shall be required for any such building or structure.

Exception however, any building or structure used by a person or persons for a home or residence shall not be exempted from this resolution and such structure or building used for a home or residence which is located or constructed upon land used for this purpose of agricultural or any form thereof as set forth in Revised Code, Section 519.01 shall be subject to the regulations contained in this plan, as not being a structure or building incident to or necessary for the purpose of agricultural use.

A parcel of land may be classified as agricultural provided that it contains five (5) acres or more of land if used for agriculture.

AGRICULTURE- RESIDENTIAL

The following uses and no other, except as herein- after provided for the business or commercial, shall be deemed residential uses and permitted in the entire township:

- 1) Single and two- family dwellings and mobile homes for residential purposes and buildings accessory thereto.
- 2) Tourist homes,, rooming houses, boarding homes, apartment.
- 3) Church, school, college, university, public library, publicly owned park, publicly owned playground.
- 4) Oil wells, gas wells, sugar bush.

SUPPLY YARDS: A commercial establishment storing and offering for sale; building supplies, coal, heavy equipment, feed and grain, and other similar goods.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- 1) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting another street;
- 2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route;
- 3) Collector Street: A thoroughfare, whether within a residential, manufacturing, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions;
- 4) Cul-De-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in vehicular turnaround;
- 5) Dead End Street: A street having only one outlet for vehicular traffic;
- 6) Local Street: A street primarily for providing access to residential or other abutting property;
- 7) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other;
- 8) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street providing access to abutting properties and protection from arterial or collector streets. (also called frontage street)

USE: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIENCE: The modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It also may include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

5) Roadside stands consisting of structures used for the display and sale of agricultural products, provided that such stands or displays are at least twenty-five (25) feet from the edge of the road. That adequate facilities are maintained for off-the-road parking of customers vehicles, that more than fifty percent (50%) of the products sold on such roadside stands are agricultural products raised on the premises.

6) A one-family dwelling must contain a minimum of 720 square feet floor area on the foundation, excluding porches, breezeways, terraces or garages. A two-family dwelling must be double the size of the single family dwelling with each family having the minimum floor area required for a single family dwelling.

7) Plans of proposed residential structures must be presented and filed with the Zoning Inspector before a permit can be granted. All human habitations herein-after erected must meet County Building and Health Code and State Health Standards.

8) Providing a permit is issued for a dwelling house, a lot owner in the actual process of building said dwelling may use a temporary mobile home on said lot upon complying with county and state codes.

9) All human habitations must have two exits, and they must have doors which are not adjacent.

10) All dwellings herein-after erected, converted, enlarged or constructed, shall conform to minimum requirements of this regulation with respect to foundation, sanitary and fire hazards.

SECTION IV- AIRPORT IMPACT ZONE

The lands in this district are complementary to the county airport and the success of the airport in creating and expanding opportunities in the township will depend on this land remaining in general agricultural pursuits and very low residential density.

Heights of structures in this district are the most restricted in the township and have been established by the Ashtabula County Airport Zoning Commission for the protection of aircraft navigation. For the protection of the township residences in this area and for the health, safety, and general welfare in the future.

DESCRIPTION OF ASHTABULA COUNTY AIRPORT AUTHORITY
LANDS DENMARK TOWNSHIP, ASHTABULA COUNTY, OHIO

Beginning at an iron pin set in the northeast corner of lot 4, section 6, thence southerly along the easterly boundary of lot 4, section 6, 1165 feet to an iron pin set in the northeast corner of property owned by the one V. & D. Barribal Jr. (volume 887, page 318) westerly along the north line of Barribal and continuing westerly along the north line W. & B. Walker a total distance of 2.130 feet to a point in the westerly line of lot 4, section 6, which point is also the northwest corner of lands owned by W. & B. Walker (volume 395, page 553) thence southerly along the westerly side of lot 4, section 6, to a point in the center line of Township Road (Peterson) #315, thence westerly along the center line of Peterson Road to the southeast corner of property owned by R. & M. Kalinowski, (volume 817, page 209) thence northerly along Kalinowski's easterly line 270 feet to a point, thence westerly along said Kalinowski's northerly line 300 feet to the center line of County Road (Brown) #290, then southerly along the center line of Brown Road to the northeast corner of a strip of land owned by S.J. Barnes (micro film 2-721), thence westerly along Barnes' northerly line to a point in the easterly boundary of lot 76, Jefferson Township, thence northerly along said boundary to the southwest corner of property owned by one John A. Polvis (volume 343, page 73), thence easterly along said Polvis' southerly line to a point in the center line of Brown Road, thence northerly along the center line of Brown Road to the northeast corner of said Polvis land, thence westerly along the Polvis northerly line to a point in the Jefferson- Denmark Township line, southerly line of lands owned by J & D Bradford (volume 666, page 263), thence easterly along Bradford's southerly line to the center of Brown Road, thence northerly along the center line of Brown Road to the southwest corner of acreage owned by B & H Bryski, thence easterly along the southerly line of lots 1 and 2, section 5, and lot 1, section 6 to the southeast corner of lands owned by Harry Swaryz, (volume 676, page 348), thence northerly, westerly and northerly along said Swaryz easterly line to a point in the center line of Township Road 317-A (Maple Road), said point also being the northwest corner of a 76 acre parcel purchased by the Ashtabula County Airport Authority and recorded in Volume 687, page 256, thence easterly along the centerline of Maple Road to the northwest corner of lands owned by D C Smith (micro film 4-701), thence southerly along Smith's westerly boundary of lands owned by Frank E. Fink to a point in the southerly boundary of lot 1, section 6, thence easterly along the southerly boundary of lot 1, section 6, and lot 2, section 6, to the place of beginning and containing 66,288 acres, more or less, and excepting 4.99 acres in the dedicate "Airport Road."

SECTION V- COMMERCIAL

DESCRIPTION OF PRESENT COMMERSIAL LAND IN
DENMARK TOWNSHIP, ASHTABULA COUNTY, OHIO

Beginning at a monument in the center of the north and south (Rt. 193) center highway where the east and west road (Rt. 167) intersects; thence south along the center line of said north and south highway one hundred seventy-seven (177) feet; thence east one hundred sixty-one (161) feet; thence east one hundred seventy-seven feet to the center line of said east and west highway; thence west along said center line of said east and west highway one hundred sixty-one (161) feet to the place of beginning.

The following uses shall be deemed commercial: And shall be permitted upon approval by Zoning Board of Appeals.

- 1) Apartment house, hotel living quarters over business establishments, restaurants, lunch room, garage.
- 2) Retail store, or shop, beauty parlor, funeral home, mercantile establishments, bank office, office building, studio.
- 3) Dairy plant or dairy store.
- 4) Lodge Hall.
- 5) Gasoline filling and service station providing storage tanks are underground and covered with earth to meet underwriters specifications or at least a minimum of two (2) feet of earth.
- 6) Indoor theater, bowling alley, dance hall.
- 7) Job printing, newspaper, printing plant.
- 8) Hospital, sanitarium or rest home providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and providing that any such hospital, sanitarium or rest home caring for contagious disease or mental care also shall have a lot area of not less than ten (10) acres in addition to the other requirements set forth herein and have not less than four hundred (400') feet frontage. Building must be two hundred and fifty feet (250") from property line.
- 9) Motels

SECTION VI- PROHIBITED USE

Landfills, disposing of chemical, industrial, sanitary, nuclear wastes and oil wastes, dumping, storing, burying, reducing, disposing of and/or burning of commercial and industrial garbage, refuse, scrap metal, rubbish, offal, or dead animals, shall be prohibited in all districts and zones within the township.

SECTION VII- CONDITIONAL CERTIFICATE FOR SPECIAL USES

This use is created to allow special land uses to locate in the township in accordance with Section 519.14 of the Ohio Revised Code. This section confers the authority to grant conditional special use certificates for the use of land, buildings, or other structures by the township zoning appeals board. If said permit is not used in one year, this permit will be revoked.

The location of the special use will not be shown on the official township zoning map but an accurate account of its location will be filed with the township zoning inspector and the clerk of the township.

The following uses are permitted to apply for conditional special use zoning certificates if they meet the conditions by the performance standards listed in this section:

- 1) Junk Yards
- 2) Slaughter House
- 3) Mobile Home Park with requirements - lot size 5450 square feet for each mobile home
- 4) Light Industry with requirements - see definitions
- 5) Recreation - see definitions
- 6) An assembly of over one thousand (1000) persons - (Authority, see 3709.21 ORC per Ashtabula County mass gathering regulation five (5) December 1975)
- 7) Commercial

Adjacent land uses and owners- The interested parties abutting, contiguous and across the street from the proposed special use shall be notified by public notice of the hearing provided for in Ohio Revised Code 519.15. The purpose of this is to promote as much compatible land uses as possible and not create detrimental conditions to the neighborhood.

SECTION VIII - OUTDOOR ADVERTISING

Outdoor advertising shall be permitted in the entire township subject to the regulations contained in this resolution:

- 1) Signs not larger than twelve (12) square feet in area shall be permitted anywhere in the township providing they are not located in the road right of way.
- 2) An outdoor advertising sign or billboard other than mentioned in paragraph 1 of this section shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
- 3) No outdoor advertising signs except as mentioned in paragraph 1 of this section shall be placed nearer any street or road than the minimum setback line.
- 4) No outdoor advertising signs except as mentioned in paragraph 1 of this section shall be located within one hundred (100) feet of any intersection unless affixed to the building.
- 5) Any illuminated sign shall be so shaded as to not interfere with the vision of persons on the highway.

SECTION IX - NON CONFORMING USES

- A. A non-conforming use existing prior to this enactment may be continued, except that if it is voluntarily discontinued it shall then be deemed abandoned and any further use must be in conformity with the uses permitted.
- B. Any building arranged, intended or designed for the non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed and put to such non-conforming use, providing it is done within one (1) year after the resolution takes effect.
- C. Any building or structure, existing as non-conforming uses at the time this resolution takes effect, which is destroyed by fire or the elements may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction, provided and non-conformities that can be corrected be corrected.

SECTION X - PUBLIC UTILITIES

This resolution shall not apply to public utilities.

SECTION XI - MINIMUM LOT AREA

1) No dwelling or accessory building shall be erected or building altered to accommodate one (1) family as a residence on less than two (2) acres of area with 200 ft. frontage unless such lot was designed on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with this resolution.

- In case lot has public water but not sewer, lot area must be at least two (2) acres with minimum two hundred (200) feet frontage.

- In case lot has public water and sewer, lot area must be at least one-half (½) acre with minimum one hundred (100) feet frontage.

2) In computing lot area, not to exceed one-half (½) of the width of the road or street may be included if the lot owner holds title to the same.

3) No apartment shall be erected or building altered into apartments to accommodate more than one (1) family for each 25,000 square feet of land.

SECTION XII - MINIMUM LOT WIDTH

No dwelling shall be erected on a lot having a width at the building line of less than two hundred (200) feet on a dedicated street unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with this requirement, or as stated in Section XI.

SECTION XIII - SET-BACK BUILDING LINES

No building or structure or any portion thereof, except steps, and uncovered porches less than ten (10) feet in width, fences, underground tanks and gasoline pumps, above ground oil-gas storage tanks, shall be erected within fifty (50) feet of the right-of-way side line of any road or street.

SECTION XIV - SIDE YARDS

For every building erected there shall be a minimum lot area on each side of said building of not less than ten (10) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be considered to be a part of the main building for the purpose of this section.

SECTION XV - CORNER LOTS

The set-back building line on corner lots shall be in accordance with the provisions of Section XI of this resolution with provisions applicable to each street bordering said road. Corner lot should be a minimum of two hundred (200) feet on both road frontages, or as stated in Section XI.

SECTION XVI - REAR YARDS

There shall be a minimum rear lot clearance at the rear of said building of not less than ten (10) feet which space shall remain open and unoccupied by any building or structure.

SECTION XVII - MAXIMUM HEIGHT OF BUILDING

No dwelling shall be erected in any district to a height in excess of two and one-half (2 ½) stories or in excess of thirty-five (35) feet and building or structure for business purposes in excess of fifty (50) feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions do not apply to the height of a church spire, belfry clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.

SECTION XVIII - PARKING FACILITIES

1) All dwellings and apartment houses shall provide two (2) parking spaces per dwelling unit off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.

2) All business and commercial uses shall provide parking space off the road or street outside of the public right-of-way and not more than three hundred (300) feet distance from an entrance to said establishment of an area not less than two hundred (200) square feet for each one hundred (100) square feet of an area of the first floor of said establishment which it serves.

3) Every building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainments and similar activities shall provide parking off the road or street and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four (4) persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.

4) All business and commercial uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, or taking away from said user goods, materials, supplies, or waste in connection with said business or use. They shall also provide parking space for their employees.

SECTION XIX - HIGHWAYS

In case of an intersection or curve in the highway, no structure shall be permitted at a height greater than three and one-half (3 ½) feet within fifteen (15) feet of the edge of the public right-of-way or within forty-five (45) feet of the center of an undedicated public right-of-way.

SECTION XX - ZONING INSPECTOR'S DUTIES

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector, and such assistants as may be determined necessary, shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, locating, changing the use of, or including accessory buildings or changing the use of the premises, altering any building applications shall be made to the Township Zoning Inspector for the zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, plans and specifications showing the proposed use, all of which shall be included in the permanent record of the application. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the proposed construction, alteration or change of use by the application complies with the requirements of this resolution and the application is accompanied by the proper fee, or shall refuse same, if it does not comply. Refer to Section 519.16, 519.161 and 519.17 of the Ohio Revised Code.

SECTION XXI DENMARK TOWNSHIP SCHEDULE OF FEES

Conditional use	\$200.00
Residential	50.00
Two family	50.00
Apartment each	50.00
Addition	50.00
Accessory building	50.00
Annual permit for Occupying cabins	50.00
Temp. dwelling	10.00
Zoning change	200.00
Board of Appeals	200.00
Variance	200.00
Commercial	200.00

Outdoor Signs or Billboards:

Over 12 square feet in area up to and including 200 square feet in area	\$30.00
Over 50 square feet in area, up to and including 200 square feet in area	50.00
All over 200 square feet in area	100.00

All signs to be kept in good repair under the jurisdiction of the zoning inspector or this permit may be revoked.

SECTION XXI - SCHEDULE OF FEES

The Trustees shall by resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Trustees. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

SECTION XXII - BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the Township included in the area zoned. The term of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective un-expired term. Refer to Ohio Revised Code 519.14 and 519.15.

The Township Board of Zoning Appeals shall have the following powers:

- A. HEAR and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections 519.02 to 519.25 of the Revised Code, or of any resolution adopted pursuant thereto;
- B. AUTHORIZE, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;
- C. GRANT conditional zoning certificates for the use of land, buildings or other structures if such certificates for specific uses are provided for in the zoning resolution.
- D. REVOKE an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

*Reference

- 519.14 POWERS OF TOWNSHIP BOARD OF ZONING APPEALS
(1974 H 585, eff. 7-22-74)

In exercising the above-mentioned powers, such board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals will organize, and adopt rules in accordance with the provisions of this resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such times as the Board may determine. The chairman or in his absence the acting chairman, may administer oaths and the Township Board shall keep minutes of its proceedings showing the vote of each member upon face, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Township Trustees and shall be public record.

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

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by Certified Mail to the parties in interest, and decide the same within thirty (30) days after submitted. Upon the hearing any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of the County on the ground that such decision was unreasonable and unlawful.

SECTION XXIII - ENFORCEMENT

A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon convicted thereof shall be fined not more than one hundred dollars (100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

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

SECTION XXIV - AMENDMENTS

The Township Zoning Commission shall meet yearly or at any time upon call by the Chairman of said Commission and may initiate amendments to this resolution from time to time. Amendments or supplements to the zoning resolution may be initiated by motion of the Township Rural Zoning Commission by the passage of a resolution, therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for the public hearing hereon, which date shall not be less than twenty (20) or more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing.

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be re-classified or re-districted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

Within five (5) days after the adoption of such motion or the certificate of such resolution or the filing of such application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereof to the County or regional planning commission, if there is such a commission.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommended the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to 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 or supplement, which date shall not be more than thirty (30) days from the date of receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board of one publication in one or more newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing.

Written notice of hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be re-classified or re-districted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property. The failure of delivery of such notice shall not invalidate any amendments or supplements.

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

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

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

SECTION XXV - INTERPRETATION

In interpretation, and application, the provision of this resolution shall be held to be the minimum requirements adopted for this promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law of any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relation to the construction and use of buildings or premises.

Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between the parties which impose restrictions greater than those imposed by this resolution.

SECTION XXVI - VALIDITY

Each section, sub-section, provision, requirement, regulation, or restriction established by this resolution or any amendment thereto is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not effect nor render invalid the resolution or amendments thereto as a whole or any part thereof except the particular part so declared to be invalid.