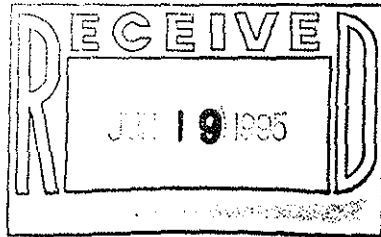


HARTSGROVE TOWNSHIP

PROPOSED ZONING RESOLUTION

JULY 1994



## PREAMBLE

A resolution of the Township of Hartsgrove, Ashtabula County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, dividing the unincorporated portion of the township into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, commercial, recreational, and public areas; providing the 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-way; providing the compatibility of different land uses and the most appropriate use of land; 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.

HARTSGROVE TOWNSHIP

ZONING RESOLUTION

TITLE PAGE

Zoning Commission

Robert Bacon, Co-Chairman  
Jeff Lanphear, Co-Chairman  
Willis V. Marsh III  
Bill Donald  
PAT NEUBERGER

Board of Trustees

A.K. Vannatter  
W. Robert Nye  
B. Gottron

Mary Kennedy, Clerk

July 1994

**HARTSGROVE TOWNSHIP  
ZONING RESOLUTION**

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## ARTICLE 1

### TITLE, INTERPRETATION AND ENACTMENT

100 TITLE.

This resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Hartsgrove".

101 LAND USE POLICY STATEMENTS.

OVERALL GOAL: To promote a community that is residential in character with a rural and historical identity balanced by a strong local economy that supports essential services.

I. SUBGOAL: To maintain residential character by:

- A. promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities and amenities.
- B. establishing a distinct commercial zone that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of the Township.

II. SUBGOAL: To maintain and strengthen rural and historical identity by:

- A. preserving rural character and beauty.
  - 1. Conserve and maintain agricultural land use base.
  - 2. Discourage premature, scattered development into agricultural areas.
  - 3. Encourage innovation in neighborhood development which will result in an improved living environment, i.e. neighborhood parks, recreation and open space.
  - 4. Protect unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.
- B. preserving the historical heritage of the Township.
  - 1. Promote single family housing in the older, historical parts of the Township.
  - 2. Implement regulations for commercial uses in historic buildings that will promote historical character while providing best compliance to modern commercial needs.
  - 3. Determine availability of programs for the Township to actively encourage historic preservation.

III. SUBGOAL: To stimulate and encourage continued and future economic growth and development which is compatible within various land uses by:

- A. redeveloping and revitalizing existing town center. (Rts. 534 & 6) in order to maintain a viable commercial core and community identity.
  - 1. Allow for mixed single family residential and commercial uses.
  - 2. Provide for more effective use and development of the old, established commercial center.
  - 3. Encourage a higher standard of design and appeal for commercial centers to improve their marketability as well as the overall community appearance.
- B. discouraging scattered non-conforming commercial uses.
- C. developing additional open spaces and recreational facilities where possible.
- D. encouraging adequate maintenance of all residential, commercial, industrial, and recreational property to keep neighborhoods blight free and provide a suitable living, working, and recreational environment for all citizens of the Township.

110 PURPOSE.

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township of Hartsgrove; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio revised Code, or under common law rulings.

120 PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS.

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

130 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 declared to be unconstitutional or invalid.

140 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.

150 EFFECTIVE DATE.

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



## ARTICLE 2

### ESTABLISHMENT OF DISTRICTS

200 PURPOSE.

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Resolution, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

210 ESTABLISHMENT OF DISTRICTS.

The following zoning districts are hereby established for the Township of Hartsgrove, Ohio:

R-1	Single Family
NC	Neighborhood Commercial

220 ZONING DISTRICT MAP.

The districts established in Section 210, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

221 ZONING MAP LEGEND.

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 225.

222 IDENTIFICATION OF OFFICIAL ZONING MAP.

The Official Zoning Map shall be properly identified by the signatures of the Township Trustees, as attested by the Township Clerk, and bearing the official seal. The Map shall be maintained by the Zoning Inspector, and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Resolution or any other resolution. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by resolution. Not later than January 30 of each year, the map shall be recertified by the Township Trustees and the Clerk.

223 INTERPRETATION OF DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Board of Township Trustees action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

**225 ZONING MAP AMENDMENTS.**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Chairman of the Board of Trustees and attested to by the Clerk.

**226 FILE ZONING MAP WITH COUNTY RECORDER AND COUNTY PLANNING COMMISSION.**

The Board of Township Trustees will file amendments to the zoning map with the County Recorder and County Planning Commission within five (5) working days after the effective date of the amendment.

## ARTICLE 3

### DISTRICT REGULATIONS

#### 300 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
2. No building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. to accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open space;than herein required, or in any other manner be contrary to the provisions of this Resolution;
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.
4. The purpose of the Official Schedule of Permitted Uses and Dimensional Requirements is to list different land uses and specify what districts within the community allow those uses. Any uses not listed in the Schedule are prohibited. Specifically prohibited uses are junkyards, automotive wrecking and manufactured home parks.

#### 310 OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS.

District regulations shall be as set forth in the Official Schedule of Permitted Uses and Dimensional Requirements hereby adopted and declared to be a part of this Resolution and in Article 4 and 6 of this Resolution, "Supplementary District Regulations" and "Special Regulations".

TOWNSHIP OF HARTSGROVE

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: R-1

Purpose:

The purpose of the R-1 (Single Family) District is to permit development of rural and near rural areas which may not have public facilities in the near future. This district allows single family dwelling units which may be site built, modular, or manufactured housing conforming to this resolution.

Permitted Uses

Conditional Uses/Home Occupations

1. Accessory uses & structures
2. Home Occupation
3. Assembly halls, gymnasiums & similar structures when part of a school or place of worship
4. Churches & other places of worship
5. Dwellings, detached single-family
6. Fire and police stations
7. Libraries
8. Oil/Gas Wells
9. Pavilion
10. Parks
11. Playgrounds (principal use)
12. Playground, Tot-lot
13. Satellite Dish
14. Schools, public & private
15. Swimming pools, accessory (private residence only)
16. Tennis courts, private

1. Beauty/Barber shops
2. Bed and Breakfast
3. Cemetery
4. Child Day Care Center (Type A)
5. Group Home, Etc.
6. Home Occupation
7. Kennel
8. Recreation & Community Center Building

3-2

Principal Structure Use	Minimum Lot Area Per Unit No Sewer	Minimum Lot Area Per Unit W/Sewer	Minimum Lot Width No Sewer	Minimum Lot Width W/Sewer	Min. Principal Bldg. Setbacks Front/Side/Rear	Min. Accessory Bldg. Setbacks Front/Side/Rear	Maximum % Lot Coverage No Sewer/Sewer	Max. Bldg. Height Principal/Accessory	Min. Floor Area Per Dwelling Unit
1 Family	(5) acres	(5) acres	250'	250'	100' /40' /50'	100' /40' /40'	10%/10%	35' /35'	1000 sq. ft.

(5) acres (8/104)  
(5) acres (8/104)

TOWNSHIP OF HARTSGROVE

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC Purpose: The purpose of the NC (Neighborhood Commercial) District is to encourage renewal in the historic core business area of the community by promoting historical character while providing best compliance to modern commercial needs. A mix of single family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the daily needs of the residents of the community is encouraged. Marginal strip development shall be prohibited.

Permitted Uses		Conditional Uses/Home Occupations	
1.	Accessory uses & structures incidental to a permitted use which will not create a nuisance or hazard	1.	Amusement enterprises
2.	Assembly halls, gymnasiums & similar structures when part of a school or place of worship	2.	Antique sales
3.	Agencies or offices rendering specialized services in the professions, real estate & brokerage, medical & legal including service agencies not involving on-premises retail trade not wholesale trade on-premises, nor maintenance of stock of goods for the sale to the general public	3.	Automobile Service
4.	Alcoholic beverage package retail sales	4.	Bed and Breakfast
5.	Bakery shops & confectioneries operating both wholesale & retail provided such operations are limited to 1,500 sq.ft. of manufacturing area and to the use of non-smoke producing types of furnaces	5.	Child Day Care Center (Type A)
6.	Banks, finance & loan companies	6.	Clubs & places of entertainment
7.	Beauty, barber & other personal services	7.	Convalescent/Nursing homes
8.	Bicycle sale and repair	8.	Funeral Homes
9.	Charitable institutions	9.	Group home, Class 1 Type B
10.	Churches & other places of worship	10.	Home Occupation
		11.	Miniature golf, tennis archery, baseball/softball, basketball, volleyball, football/soccer facilities that are commercial or club related
		12.	Pet shops, bird stores, taxidermist

3-3

Principal Structure Use	Minimum Lot Area Per Unit No Sewer	Minimum Lot Area Per Unit W/Sewer	Minimum Lot Width No Sewer	Minimum Lot Width W/Sewer	Min. Principal Bldg. Setbacks Front/Side/Rear	Min. Accessory Bldg. Setbacks Front/Side/Rear	Maximum % Lot Coverage No Sewer/Sewer	Max. Bldg. Height Principal/Accessory	Min. Floor Area Per Unit
Mixed Commercial & Residential	2 acres	2 acres	200'	200'	80'#/15'*/15'*	80'#/15'*/15'*	50%/50%	35'/35'	1000 sq. ft.

TOWNSHIP OF HARTSGROVE

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC

Purpose:

The purpose of the NC (Neighborhood Commercial) District is to encourage renewal in the historic core business area of the community by promoting historical character while providing best compliance to modern commercial needs. A mix of single family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the daily needs of the residents of the community is encouraged. Marginal strip development shall be prohibited.

Permitted Uses		Conditional Uses/Home Occupations	
11.	Colleges, universities, business colleges, trade schools, music conservatories, dancing schools, & similar organizations offering training in specific fields	13.	Physical Culture establishments
12.	Dairy bars for retail sales on the premises only	14.	Radio & television studios & towers
13.	Dwellings, detached single family	15.	Retail Stores conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises & employing not more than ten (10) operatives
14.	Eating & drinking establishments	16.	Storage warehouse & yards
15.	Electrical repair	17.	Veterinary Clinic and Kennel
16.	Feed sales & storage		
17.	Fertilizer, wholesale & retail sales & blending		
18.	Fire & police stations		
19.	Flour & other grain products, milling & storage		
20.	Food processing: for sale at retail on-premises, but excluding the killing & dressing of any flesh or fowl		
21.	Food stores (retail only): grocery, delicatessen, meat & fish but excluding the killing & dressing of any flesh or fowl		
22.	Grounds & facilities for recreational & community center bldgs., country clubs, lakes, & other similar facilities operated on a non-profit basis		
23.	Government buildings: used exclusively by the Federal, State, County, Township Government for public purposes except for buildings used or intended to be used as correctional or penal institutions		

Principal Structure Use	Minimum Lot Area Per Unit No Sewer	Minimum Lot Area Per Unit W/Sewer	Minimum Lot Width No Sewer	Minimum Lot Width W/Sewer	Min. Principal Bldg. Setbacks Front/Side/Rear	Min. Accessory Bldg. Setbacks Front/Side/Rear	Maximum % Lot Coverage No Sewer/Sewer	Max. Bldg. Height Principal/Accessory	Min. Floor Area Per Unit
Mixed Commercial & Residential	2 acres	2 acres	200'	200'	80'#/15'*/15'*	80'#/15'*/15'*	50%/50%	35'/35'	1000 sq.ft.

3-4

TOWNSHIP OF HARTSGROVE

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC

Purpose:

The purpose of the NC (Neighborhood Commercial) District is to encourage renewal in the historic core business area of the community by promoting historical character while providing best compliance to modern commercial needs. A mix of single family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the daily needs of the residents of the community is encouraged. Marginal strip development shall be prohibited.

Permitted Uses

Conditional Uses/Home Occupations

- 24. Home occupation
- 25. Retail accessory uses wholly within the principal building and without exterior advertising display
- 26. Jewelry & watch sale and repair
- 27. Laundry pick up stations
- 28. Libraries
- 29. Lock & gunsmith
- 30. Lodges, fraternal & social organizations
- 31. Lumber yards, building materials storage & sales
- 32. Museums & art galleries
- 33. Musical instrument store, sale of and instruction
- 34. Nursery (plants)
- 35. Office buildings: government & private, including professional, office buildings
- 36. Office equipment & supplies sales & service
- 37. Oil/Gas wells
- 38. Pavilion
- 39. Parks
- 40. Playgrounds, principal use
- 41. Playgrounds, Tot-lot

3  
5

Principal Structure Use	Minimum Lot Area Per Unit No Sewer	Minimum Lot Area Per Unit W/Sewer	Minimum Lot Width No Sewer	Minimum Lot Width W/Sewer	Min. Principal Bldg. Setbacks Front/Side/Rear	Min. Accessory Bldg. Setbacks Front/Side/Rear	Maximum % Lot Coverage No Sewer/Sewer	Max. Bldg. Height Principal/Accessory	Min. Floor Area Per Unit
Mixed Commercial & Residential	2 acres	2 acres	200'	200'	80'#/15'*/15'*	80'#/15'*/15'*	50%/50%	35' /35'	1000 sq. ft.

OFFICIAL SCHEDULE OF PERMITTED USES AND DIMENSIONAL REQUIREMENTS

Zoning District: NC

Purpose:

The purpose of the NC (Neighborhood Commercial) District is to encourage renewal in the historic core business area of the community by promoting historical character while providing best compliance to modern commercial needs. A mix of single family residential uses, cultural, public, quasi-public, and commercial uses which tend to meet the daily needs of the residents of the community is encouraged. Marginal strip development shall be prohibited.

Permitted Uses

Conditional Uses/Home Occupations

- 42. Plumbing shop & yard
- 43. Postal facilities private or publicly owned
- 44. Repair & servicing of office & household equipment
- 45. Retail stores including but not limited to art supply, book & stationery, video rental, camera sales & supplies & services, candy products, clothing, drug, electrical supplies, florists, footwear, furniture & floor covering, baking supplies, gifts & cards, hardware & appliances, music, optical, paint, sporting goods, upholstery paper hanging & decorator, variety and other similar retail sales
- 46. Satellite Dish
- 47. Schools, public and private
- 48. Shoe repair
- 49. Storage, under cover of goods intended for retail sale on the premises but not including combustibles
- 50. Swimming pools, accessory use (private residence only)
- 51. Tailors, dressmakers, milliners
- 52. Taverns, bars
- 53. Tennis courts, private
- 54. Theaters, housed in a permanent indoor structure, exhibition halls and other similar structures

319

Principal Structure Use	Minimum Lot Area Per Unit No Sewer	Minimum Lot Area Per Unit W/Sewer	Minimum Lot Width No Sewer	Minimum Lot Width W/Sewer	Min. Principal Bldg. Setbacks Front/Side/Rear	Min. Accessory Bldg. Setbacks Front/Side/Rear	Maximum % Lot Coverage No Sewer/Sewer	Max. Bldg. Height Principal/Accessory	Min. Floor Area Per Unit
Mixed Commercial & Residential	2 acres	2 acres	200'	200'	80'#/15'*/15'*	80'#/15'*/15'*	50%/50%	35'/35'	1000 sq.ft



## ARTICLE 4

### SUPPLEMENTARY DISTRICT REGULATIONS

400 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

402 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one minimum lot for the purposes of this Resolution. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 5 of this Resolution.

403 REDUCTION OF AREA OR SPACE.

No lot, yard, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

404 CONSTRUCTION IN EASEMENTS.

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

406 LANDFILLS, HAZARDOUS WASTE, AND INCINERATORS

For the purpose of safety and protection of the public, residents, and natural and other resources, the following, but not limited to, are expressly prohibited in the Township of Hartsgrove: captive and non-captive landfills, hazardous waste and incinerator facilities, which use, but are not limited to, the process of disposal, manufacture, storage, or recycling of materials.

407 JUNK.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.

408 OUTSIDE STORAGE AND REQUIRED REFUSE COLLECTION.

1. The refuse collection areas provided by all non-residential uses to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and

- adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector.
2. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
  3. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.

All inventory, materials, equipment and machinery must be kept within buildings. Exceptions to this are:

1. lumber, building supplies, gardening supplies & plants, and agricultural supplies commonly stored in fenced yards connected with allowable uses;
2. vehicles used in the normal day to day operation of the establishment;

**410 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.**

In addition to the regulations specified in Article 3 and in other sections of this Resolution, Sections 411 through 416 inclusive shall be used for clarification and interpretation.

**411 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS.**

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**412 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.**

In any required front yard, no fence or wall shall be permitted within ten (10) feet of right of way which materially impedes vision across such yard above the height of two and a half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 1/2) feet and ten (10) feet.

**414 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.**

Nonresidential buildings or uses shall not be located nor conducted closer than sixty (60) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Board of Appeals is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 417 of this Resolution.

**415 EXCEPTIONS TO HEIGHT REGULATIONS.**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

416 ARCHITECTURAL PROJECTIONS.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the require minimum front, side or rear yard.

417 VISIBILITY AT INTERSECTIONS.

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

420 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
5. Objectionable noise volume or beat is present;
6. Vibration is present on an adjoining lot or property;
7. Direct glare is present which is visible from any street or from any property;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency;
10. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor;

11. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communication's Commission's regulations;
12. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA's, Ashtabula County Sanitary Engineer's Office and the Ashtabula County Health Department's regulations.

**421 ASSURANCE REQUIREMENTS AND PLANS.**

Prior to the issuance of a zoning permit, the Zoning Inspector may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

**430 TEMPORARY USES.**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located: Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activities may be permitted within any district for a period of six months, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first;

**440 SCREENING.**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 5 of this Resolution. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities;
  - b. An acoustic screen to aid in absorbing or deflecting noise;
  - c. A physical barrier to contain debris and litter.

2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
  - a. A solid masonry wall;
  - b. A solidly constructed decorative fence;
  - c. A louvered fence;
  - d. A dense vegetative planting;
  - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
  - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 5 1/2 feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than 2 1/2 feet. Plantings shall be a minimum of 4 feet in height at the time of planting; (see also 912)
  - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 5 1/2 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

## ARTICLE 5

### NON-CONFORMING USES & STRUCTURES

#### 500 INTENT.

Within the districts established by the Resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

#### 510 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

#### 550 NON-CONFORMING USES OF LAND.

Where, at the time of the adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy more than twenty five (25%) percent of the land than was occupied at the effective date of adoption or amendment of this Resolution;
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that which was occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

#### 560 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity more than twenty-five (25%) percent, but any structure or portion thereof may be altered to decrease its non-conformity;

2. Should such non-conforming structure or non-conforming portion be destroyed by any means, it may be reconstructed. Conformity with the provisions of this Resolution as to lot area, lot coverage, height, yards, and location on the lot, must be met, if possible;
3. If such structure be moved for any reason off its original lot or parcel to another lot or parcel, any distance whatever, it shall thereafter conform to the requirements for the district in which it is located after it is moved.

570 **NON-CONFORMING LOTS OF RECORD IN COMBINATION.**

If two or more lots or a combination of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width, and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

580 **NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered beyond twenty-five (25%) percent except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building beyond twenty-five (25%) percent;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
4. Any structure, or structure and use of land in combination, in, or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or a structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where a non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land, except as otherwise allowed in this Article.

599 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.  
Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.



## ARTICLE 6

### SPECIAL REGULATIONS

#### 600 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

#### 600.50 REGULATION OF SWIMMING POOLS AS ACCESSORY USES.

Sections 600.50 to 600.53 inclusive shall apply to the location and maintenance of swimming pools.

#### 600.51 PURPOSE.

It is the purpose of sections 600.50 to 600.53 inclusive to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

#### 600.52 PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district provided the following safety conditions are met:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
2. The pool may be located anywhere on the premises provided that it shall not be located closer than forty (40) feet to any property line or easement;
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced with stockade wall or chain link fence with gate and lock to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

#### 600.53 COMMUNITY OR CLUB SWIMMING POOLS.

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
2. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
3. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be stockade wall or chain link fence as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6)

feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;

4. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties;
5. Such pool facilities shall not be operated prior to 6:00 a.m. in the morning or after 10:00 p.m. in the evening.

600.70 REGULATION OF HOME OCCUPATIONS.

Sections 600.70 to 600.74 inclusive shall apply to the location, operation, and maintenance of home occupations.

600.71 PURPOSE.

It is the purpose of Sections 600.70 to 600.74 inclusive of this Resolution to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these Sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

600.73 HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE.

A person may apply for a conditional use permit for a home occupation. The criteria for the issuance of such a permit for a home occupation are as follows:

1. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
2. There shall be no outside storage of any kind related to the use;
3. Not more than forty (40) percent of the gross floor area of any residence shall be devoted to the proposed home occupation;
4. Minor or moderate alterations in accordance with Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction;
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood.

600.74 INVALIDATION OF HOME OCCUPATION CONDITIONAL USE PERMIT.

For the purposes of this Resolution, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals. With permit fee home occupation can transfer only at time of sale of said property/residence.

600.80 REGULATION OF GROUP RESIDENTIAL FACILITIES.

Sections 600.80 to 600.82 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

600.81 PURPOSE.

It is the purpose of Sections 600.80 to 600.82 inclusive of this Resolution to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

- 600.82     **CONDITIONAL USE PERMIT REQUIRED.**  
A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 7 of this Resolution. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:
1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
  2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
  3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking;
  4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
  5. No such facility may be located within 600 feet of another such facility;
  6. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
  7. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood;
  8. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved;
  9. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

600.90     **APPEARANCE AND DESIGN STANDARDS FOR SINGLE FAMILY HOUSING.**  
Sections 600.90 to 600.92 inclusive of this Resolution shall apply to the location, construction, and maintenance of all single family housing in all districts.

600.91     **PURPOSE.**  
These standards are created to ensure the health, safety, and general welfare of the Township. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the Township population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents.

600.92     **STANDARDS.**  
These regulations apply to all single family housing units in all districts including Manufactured Homes, Modular Homes and Site Built Homes.

1. The minimum floor area of the single family dwelling unit shall be at least 1,000 square feet of living area. The garage portion of the structure is not included in the living area total calculation.
2. The minimum width of all single family dwelling units shall be at least 20 feet, with exception of manufactured homes which will have a minimum width of at least 14 feet.

- 3 The home must be placed on a permanent foundation that complies with the BOCA Basic Building Code and be inspected by the Ashtabula county Department of Building Regulations.
4. The hitch, axles and wheels of any manufactured home must be removed.
5. All fuel oil supply systems and any bottled gas tanks must not be in the front yard so as not to be clearly visible from the street.

600.96 UNIFORMITY WITH RESPECT TO GRANTING OF VARIANCES.

The granting of variances from the requirements of this Resolution with respect to the siting of single-family housing, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Article 11 of this Resolution.

## ARTICLE 7

### PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

#### 700 REGULATION OF CONDITIONAL USES.

The provisions of Sections 700 to 752 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

#### 701 PURPOSE.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 710 to 752 of this Resolution.

#### 710 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION.

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property and proof of ownership;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by Township Trustees by Resolution;
10. A narrative addressing each of the applicable criteria contained in Section 720.

#### 720 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses as specified in Section 730, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 3 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
10. Loud speakers which cause a hazard or annoyance shall not be permitted;
11. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. Will provide adequate parking spaces provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the establishment and on the basis of generally known parking conditions in the neighborhood;
14. Will have the design, location, and surface of the parking area subjected to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the surrounding neighborhood;
15. Will have all permanent buildings constructed and designed so as to conform with the setback and building design of existing uses in the district.

**751 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

**752 EXPIRATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason

such use shall cease for more than one (1) year. All permits are non-transferrable from one owner to another.

**760 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR.**

Where a specific use is proposed that is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is substantially similar to a specific use listed in this Resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article 4 of this Resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

**761 REMEDY BY APPLICATION FOR AMENDMENT.**

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 10.

**762 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES.**

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

**763 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR.**

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

**764 RECORD OF SUBSTANTIALLY SIMILAR USES.**

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Board of Township Trustees. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

770 REGULATION OF ACCESSORY USES.

The provisions of Sections 770 to 775 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

771 PURPOSE.

It is the purpose of Sections 770 to 775 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

773 GENERAL REQUIREMENTS.

Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall not contain or be used as a dwelling unit.
2. It shall not exceed thirty-five (35) feet in height.
3. It shall meet all yard requirements of the principal use unless otherwise specified in this Resolution.

774 DWELLINGS AS ACCESSORY USES.

Dwellings may be accessory uses in residential districts if located inside the principal home and only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses in any district.

775 ACCESSORY ELDERLY DWELLING UNIT.

An owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.



## ARTICLE 8

### ADMINISTRATION

800 **PURPOSE.**

This article sets forth the powers and duties of the Zoning Commission, Board of Zoning Appeals, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

801 **GENERAL PROVISIONS.**

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within the Township of Hartsgrove government:

1. Zoning Inspector
2. Zoning Commission
3. Board of Zoning Appeals
4. Township Trustees
5. County Prosecutor

810 **ZONING INSPECTOR.**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct.

811 **RESPONSIBILITIES OF ZONING INSPECTOR.**

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this Resolution, and keep a record of same with a notification of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this Resolution, and, in case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Township offices.
7. Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Resolution.
10. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or

tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the schedule of fees.

**821 PROCEEDINGS OF ZONING COMMISSION.**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 Commission and Trustees.

**822 DUTIES OF ZONING COMMISSION.**

For the purpose of this Resolution the Commission shall have the following duties:

1. Recommend the proposed Zoning Resolution, including text and Official Zoning District Map to the Township Trustees for formal adoption.
2. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Township Trustees.
3. Review all proposed amendments to the text of this Resolution and the Official Zoning District Map and make recommendations to the Township Trustees as specified in Article 10.
4. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

**830 BOARD OF ZONING APPEALS.**

A Board of Zoning 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, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

**831 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting will be held each year in the month of January. Meetings 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 compel the attendance of witnesses. All meetings shall be open to the public. The Board 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 Appeals and also with the Township Clerk.

832

**DUTIES OF THE BOARD OF ZONING APPEALS.**

The Township Board of Zoning Appeals may:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector;
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;
3. 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;
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item 4 of this section and of his right to a hearing before the Board, within thirty days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his attorney or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law. 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.

840

**DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.**

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township Trustees shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 851 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

850 BOARD OF TOWNSHIP TRUSTEES.

The powers and duties of the Board of Township Trustees pertaining to the Zoning Resolution are as follows:

1. Appoint a Zoning Inspector.
2. Approve the appointments of members to the Zoning Commission.
3. Approve the appointments of members to the Zoning Board of Appeals.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
5. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by an unanimous vote of the Township Trustees.

851 SCHEDULE OF FEES.

The Board of Township 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 Board of Township 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.

## ARTICLE 9

### ENFORCEMENT

900 GENERAL.

This article stipulates the procedures to be followed in obtaining permits, certifications, and other legal or administrative approvals under this Resolution.

901 ZONING PERMITS REQUIRED.

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

902 CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two (2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and telephone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;
10. Number of dwelling units;
11. If applicable, application for a sign permit or a conditional special, or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Resolution.

903 APPROVAL OF ZONING PERMIT.

Within thirty (30) days after 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 year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Resolution.

904

**SUBMISSION TO DIRECTOR OF TRANSPORTATION.**

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one-hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

905

**EXPIRATION OF ZONING PERMIT.**

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

910

**CERTIFICATE OF OCCUPANCY.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Resolution and other regulations.

911

**TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

912

**RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

920

**FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Resolution.

930 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and any other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

940 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 it, and take action thereon as provided by this Resolution.

941 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

950 STOP WORK ORDER.

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

960 ZONING PERMIT REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

970 NOTICE OF VIOLATION.

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Resolution, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated;
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion; or
2. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned

- by the postal authorities with an endorsement showing failure of delivery; or
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

971 TICKETING PROCEDURE.

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date, and place for appearance in court;
5. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court.

972 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One-Hundred Dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

973 ADDITIONAL REMEDIES.

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the County Prosecutor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.



## ARTICLE 10

### AMENDMENT

#### 1000 PROCEDURE FOR AMENDMENT OF DISTRICT CHANGES.

This Resolution may be amended utilizing the procedures specified in Sections 1001-1014, inclusive, of this Resolution.

#### 1001 GENERAL.

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

#### 1002 INITIATION OF ZONING AMENDMENTS.

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

1. By the adoption of a motion by the Zoning Commission;
2. By the 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.

#### 1003 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.

Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Article 2 shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
11. A fee as established by Resolution of the Board of Township Trustees;
12. Legal description of property and proof of ownership.

#### 1004 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT.

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending resolution, approved as to form by the County Prosecutor;
3. A statement of the reason(s) for the proposed amendment;

4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Resolution of the Board of Township Trustees.

**1005 TRANSMITTAL TO ZONING COMMISSION.**

Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

**1006 SUBMISSION TO COUNTY PLANNING COMMISSION.**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a 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 case in question, to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**1007 SUBMISSION TO DIRECTOR OF TRANSPORTATION.**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

**1008 PUBLIC HEARING BY ZONING COMMISSION.**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) or more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

**1009 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before holding the public hearing required in Section 1008, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, 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.

- 1010 **NOTICE TO PROPERTY OWNERS BY 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 day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1009.
- 1011 **RECOMMENDATION BY ZONING COMMISSION.**  
Within thirty (30) days after the public hearing required by Section 1008, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the zoning commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.
- 1012 **PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES.**  
Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 1009.
- 1013 **ACTION BY BOARD OF TOWNSHIP TRUSTEES.**  
Within twenty (20) days after the public hearing required by Section 1012, 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 Commission, the unanimous vote of the Board of Township Trustees is required.
- 1014 **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 adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent 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 zoning amendment to the electors of such area, for approval or rejection, at the next primary or general election.
- No amendment 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.
- 1015 **FILE ZONING AMENDMENTS WITH COUNTY RECORDER AND COUNTY PLANNING COMMISSION**  
The Board of Township Trustees will file text amendments and map amendments with the County Recorder and County Planning Commission within ten (10) working days after the effective date of the amendment.

## ARTICLE 11

### PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

#### 1100 GENERAL.

Appeals and variances shall conform to the procedures and requirements of Sections 1101 to 1118 inclusive, of this Resolution. As specified in Section 832, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 1101 APPEALS.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

#### 1102 STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

#### 1110 VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

#### 1111 APPLICATION AND STANDARDS FOR VARIANCES.

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and telephone number of applicant(s);
2. Legal description of property;
  - a. Proof of ownership
3. Description or nature of variance requested;
4. A fee as established by resolution;

5. Narrative statements establishing and substantiating that the variance conforms to the following standards:
- a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
  - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or buildings. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
  - d. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
  - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
  - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**1112 ADDITIONAL CONDITIONS AND SAFEGUARDS.**

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

**1113 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**1114 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before conducting the public hearing required in Section 1113, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1115 NOTICE TO PARTIES IN INTEREST.

Before conducting the public hearing required in Section 1113, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1114.

1116 ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 1113, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1112, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 840.

1117 TERM OF VARIANCE.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

1118 AUTHORIZED VARIANCE.

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1111, and Section 1112 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- To permit any yard or setback less than the yard or setback required by the applicable regulations.
- To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80%) percent of the required area and width.
- To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week required, but generally by not more than thirty (30%) percent of the required facilities.
- To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25%) percent.

## ARTICLE 12

### GLOSSARY OF TERMS

*It is intended for this article only to be considered as "definitions" for terms which may or may not be found in this resolution.*

INTERPRETATION OF TERMS OR WORDS: For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, and word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel" or "tract".

ACCESSORY USE OR STRUCTURE: Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this resolution, an accessory use shall be a permitted use.

ADULT BOOK STORE: An establishment which utilizes 15 percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

ADULT ENTERTAINMENT BUSINESS: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

**ADULT MOTION PICTURE THEATER:** An enclosed motion picture theater which is regularly used or utilized 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

**ADULT MOTION PICTURE DRIVE-IN THEATER:** An open air drive-in theater which is regularly used or utilizes 15 percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

**ADULT ONLY ENTERTAINMENT ESTABLISHMENT:** An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

**AGRICULTURE:** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce.

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

**ALLEY:** See Thoroughfare

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

**AMUSEMENT ARCADE:** A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

**ASSEMBLY HALL:** A public or quasi-public meeting place associated with a community center, church (temple) or school.



**AUTOMOTIVE REPAIR:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLES, AND FARM IMPLEMENT SALES:** The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

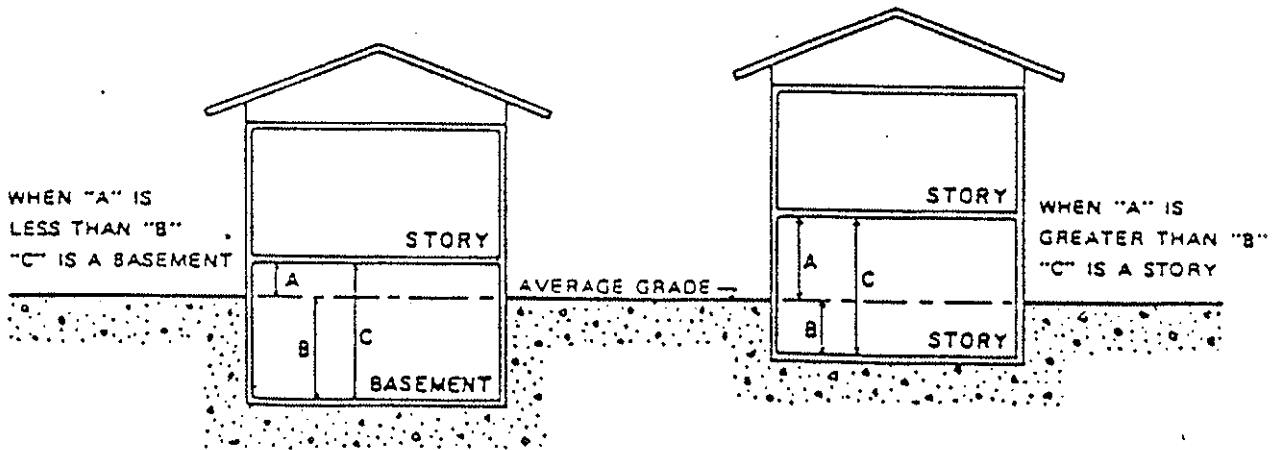
**AUTOMOTIVE WRECKING:** The dismantling or wrecking of used motor vehicles, manufactured homes, recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**AUTOMOBILE GRAVEYARD:** Means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

**BANNER:** Any sign of light weight fabric or similar material that is mounted to a pole or building at one or more edges (Flags excluded).

**BARN:** A structure used for agricultural purposes that is exempt from local zoning as described in Ohio Revised Code 519.21.

**BASEMENT:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

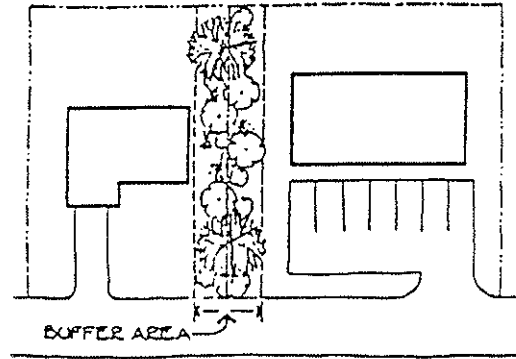


## BASEMENT & STORY

**BED AND BREAKFAST:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

**BOTTOMLESS:** Less than full opaque covering of male or female genitals, pubic area or buttocks.

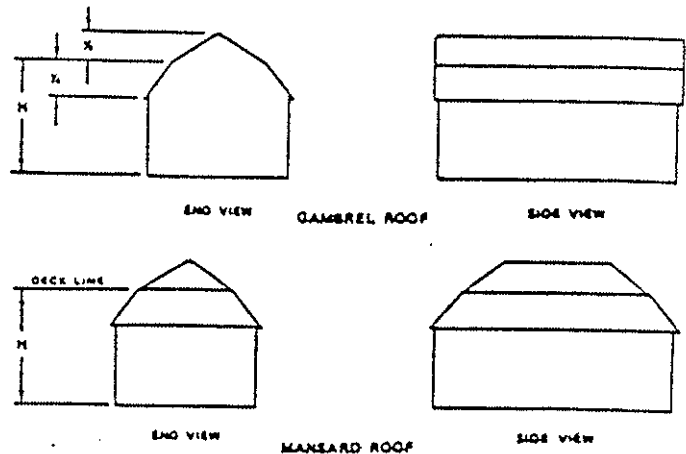
**BUFFER AREA:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.



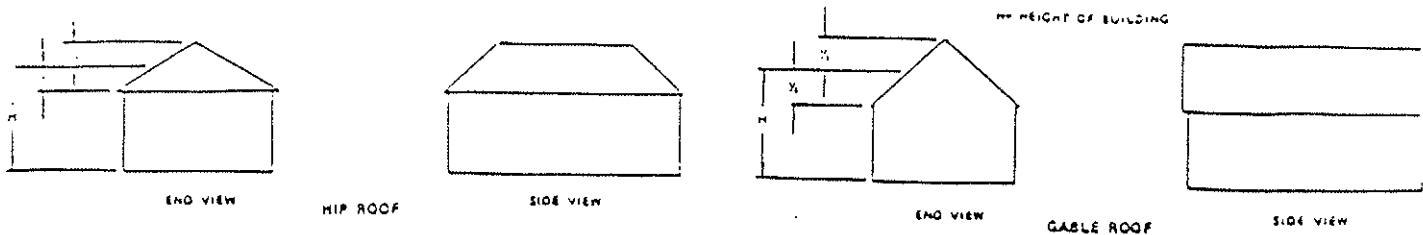
**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**BUILDING, ACCESSORY:** A 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 or use.

**BUILDING, HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest points of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.



**ROOF TYPES AND BUILDING HEIGHT**



**BUILDING LINE:** See Setback Line

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS GENERAL:** 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 supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture, department stores; and discount stores.

**CAMPGROUND:** See Recreation Camp

**CANOPY SIGN:** Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**CELLAR:** That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

**CEMETERY:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CHANNEL:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CHILD DAY-CARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

**Child Day-Care Center** - Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a

licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHURCH (TEMPLE): A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major State, County, or Township highway.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL: See Business, General

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMUNITY CENTER (NEIGHBORHOOD): A structure in a neighborhood and designated as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible home owners association for the neighborhood or subdivision in which it is located.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the County Planning Commission showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community

facilities. This plan establishes the goals, objectives, and policies of the Township.

COMPREHENSIVE LAND USE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by a Zoning Commission and its legislative authority of the Township, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

CONDITIONAL USE: A non-transferable 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 uses permitted in each district are listed in the Official Schedule of Conditional Uses.

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

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORNER LOT: See Lot Types

CUL-DE-SAC: See Thoroughfare

DEAD-END STREET: See Thoroughfare

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME:

Any type of motor vehicle, recreational vehicle, mobile home that meets any one of the following criteria:

1. does not have a current license
2. is apparently mechanically inoperable
3. is extensively damaged (i.e. missing wheels, motor, tires or transmission)
4. is in a dilapidated or broken down state.

DISTRICT: A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

DWELLING: Any building or structure (except a recreational vehicle 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 room or 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, 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 either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

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, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home as defined by Ohio Revised Code 4501.01.

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

ELDERLY HOUSEHOLD: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

ELDERLY HOUSING FACILITY: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

ELDERLY PERSON: Any person who is 62 years of age, or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems,

collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**EXHIBITOR:** Any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

**FAMILY:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT):** Farms adapted for the use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

**FEEDLOT:** A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

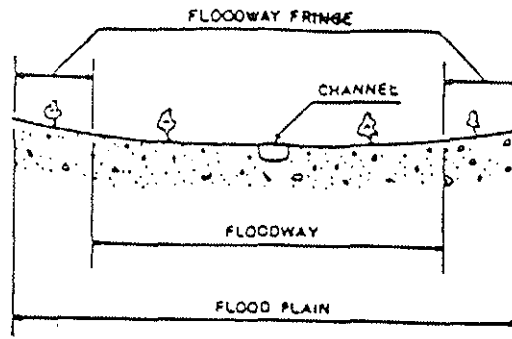
**FENCE:** A structure erected around or by the side of any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, etc.

**FENCE, BARRIER:** A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon township roads covered by Sections 4737.05 to 4737.99 inclusive of the Ohio Revised Code.

**FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS:** A facility for the enjoyment of hand gun, rifle or shotgun shooting.

**FLAG:** Flags of the United States, the State, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 sq. ft. in area and shall not be flown from a pole the top of which is more than 40 ft. in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

**FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.



## FLOOD PLAIN TERMS

**FLOOD, REGIONAL:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**FLOODWAY:** That portion of the flood plan, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FLOOR AREA OF A RESIDENTIAL BUILDING:** The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS):** The floor area of the specified use excluding stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**FLOOR AREA, USABLE:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, 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 other similar businesses.

**GARAGE, PRIVATE:** A detached or attached 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 and wherein:



1. Not more than one space is rented for parking to person not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

GARAGE SALE: See Yard Sale

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and distributors parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.
14. Major mechanical repairs.

GO CART TRACK: A black-topped area laid out for the riding of go-carts usually rented by the hour.

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par 3 and miniature golf (such as putt-putt) are considered golf courses.

GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

CLASS I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care of rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of

staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

**HISTORIC AREA:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**HOME OCCUPATION:** Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

**HORSE RIDING CLUB:** Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

**HOTEL OR 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 which is herein separately defined.

**INCIDENTAL SIGN:** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "Telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**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 or scrap ferrous or non-ferrous materials.

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

KENNEL: Any lot or premises on which four (4) or more dogs and/or cats more than for (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map

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, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

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

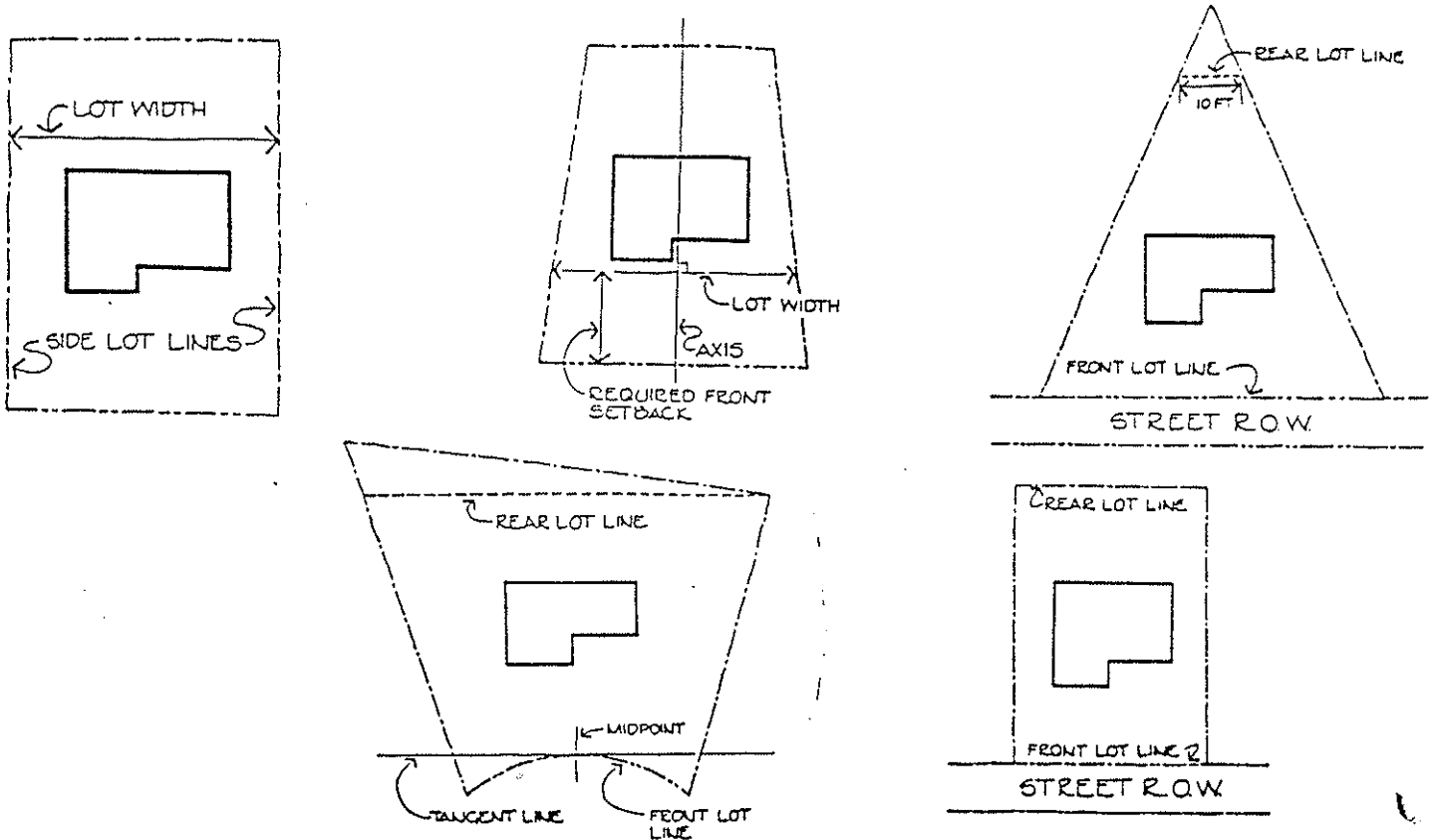
LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this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

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS: 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 rearmost points of the side lot lines 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 setback line.
3. On cul-de-sacs & curvilinear roads, the minimum frontage will be measured at the minimum district setback line.

4. Frontage: Frontage measurements must be continuous, not separated by other parcels.



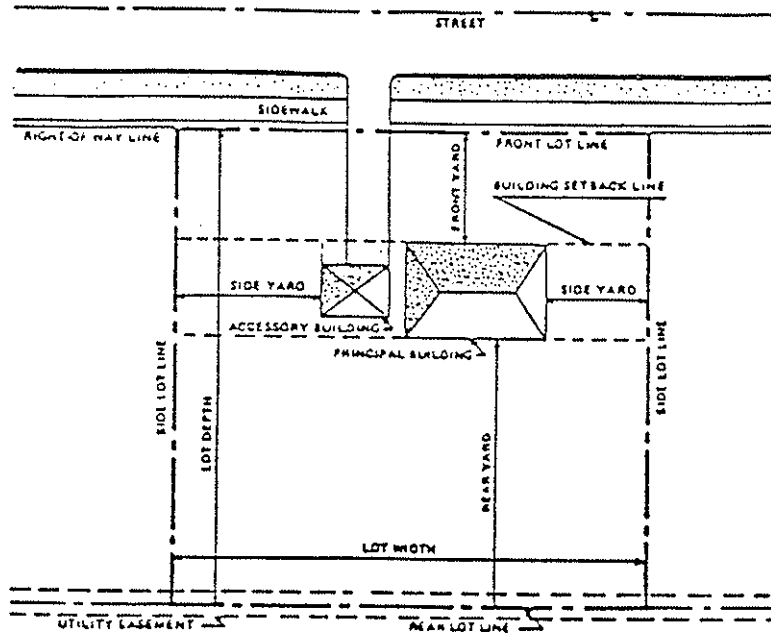
**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**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 (135) degrees.
2. **Interior Lot:** A lot with only one frontage on a street.

3. Through Lots: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots (see Ashtabula County Subdivision Regulations).
4. Reverse Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

**LOT TERMS:**



LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED  
BY BUILDING

**MAJOR THOROUGHFARE PLAN:** The portion of the comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**MAINTENANCE AND STORAGE FACILITIES:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MANUFACTURED HOME:** Any non-selfpropelled vehicle transportable in one or more sections, which in the travelling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this resolution whether or not such structure is subject to taxation under Section 4503.06

of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24CFR3280 for legal definition).

**MANUFACTURED HOME PARK:** Any site, or tract or land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**MANUFACTURING, HEAVY:** Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas; extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

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

**MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

**MARQUEE:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE:** Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this

definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

MOBILE HOME: Any non-selfpropelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (See Manufactured Home).

MOBILE HOME PARK: See Manufactured Home Park

MODULAR HOMES: Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

NONCONFORMITIES: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NUDE OR NUDITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

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

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OCCUPANCY PERMIT: When a building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while being altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if there are substantial variations from the operations referred to in the building permit or previous certificate of occupancy permitting such use.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

OVERLAY DISTRICT: A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

PARKING SPACE, OFF-STREET: 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.

PENNANT: Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or wire, or string, always in series designed to move in the wind.

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the County Planning Commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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.

PICNIC GROUNDS: An area either public or private designated as a site for picnic table, pavilions, rest rooms and necessary accessories. Picnic grounds area sometimes associated with Play Grounds and/or Swimming Pool areas.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PLAYGROUND, TOT LOT: An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for a picnic ground or swimming pool area.



PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by an other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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, & 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 viaduct, 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.

QUASIPUBLIC USE: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION CAMP: An area of land on which two or more recreational vehicles, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: A vehicular, portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding 35 feet. Representative of this type of unit is:

1. **Travel Trailer (including Fifth Wheel Trailer):** a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division S of section 4517.01 of the Ohio Revised Code.
2. **Motor Home:** a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

3. **Truck Camper:** a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. **Van camper,** converted school and commercial passenger buses are sometimes used as recreational vehicles but do not carry the seal of the RECREATIONAL VEHICLE organization. In some instances, a simple tent is also considered a Recreational Vehicle.

**RECYCLING:** The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

**RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**RESIDENTIAL SIGN:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning resolution.

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

**ROADSIDE STAND:** A temporary structure designed or used for the display or sale of agricultural and related products.

**SATELLITE SIGNAL RECEIVER:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

SCRAP METAL PROCESSING FACILITY: An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

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 code.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUAL ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

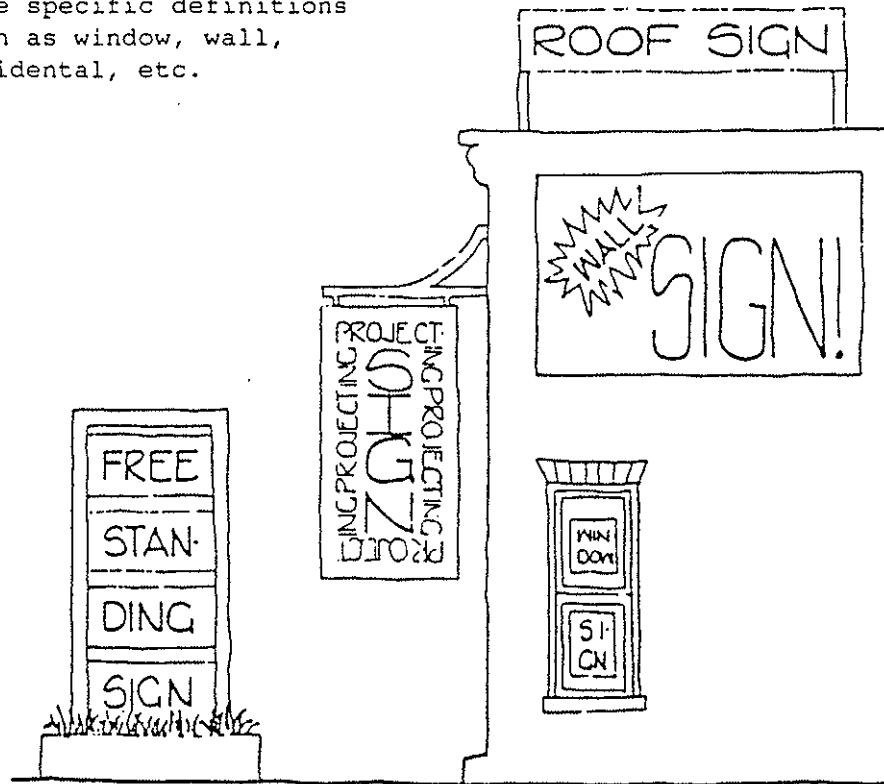
SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

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 such 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. All billboards are to be construed as off-premise signs.

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, Portable: Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
6. Sign, Projecting: Any sign which projects from the exterior of a building.

SIGN TYPES: See specific definitions such as window, wall, incidental, etc.



SITE-BUILT HOMES: Dwelling unit constructed on the lot in accordance to the BOCA Basic Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

STABLE: A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

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, manufactured homes, walls, fences, and billboards.

SUBDIVISION: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code 711.001).

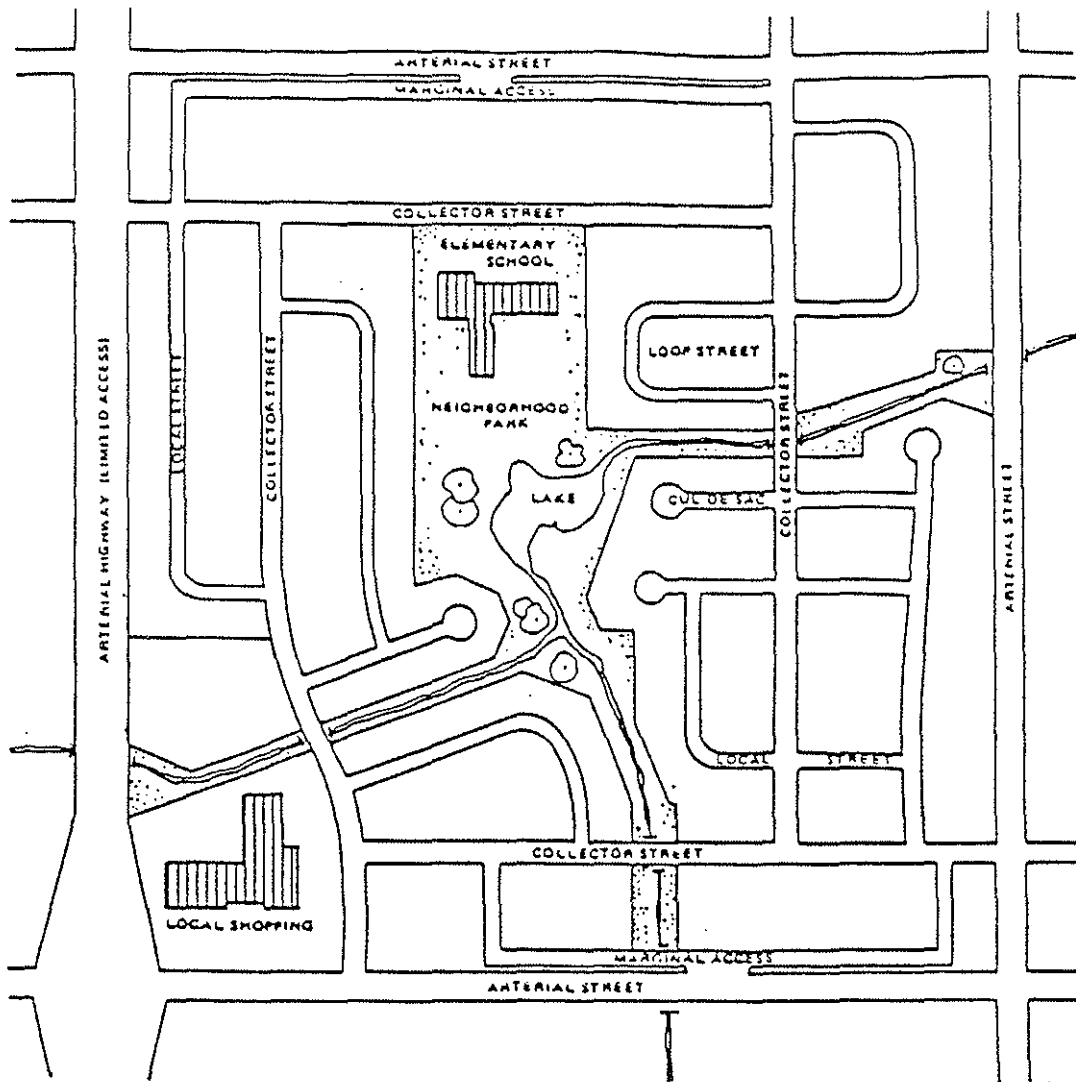
SWIMMING POOL: A structure intended primarily for swimming or wading containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission; a primary use.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted.

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 on 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, industrial, 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 a vehicular turnaround.
5. Dead-End Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
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 and 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 Streets.)



## CLASSIFICATION OF THE THOROUGHFARE SYSTEM

**THROUGH LOT:** See Lot Types

**TIME SHARING:** A land use concept which involves the transfer of ownership by deed of an undivided fee interest (share) in property to an individual or group of individuals for the use, occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

**TRAILER:** Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a

combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

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.

VARIANCE: A variance is a 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 may also 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.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WALL SIGN: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WATER SLIDE: A recreational land use which utilizes a number of down hill slides along with water to propel the slider down the course.

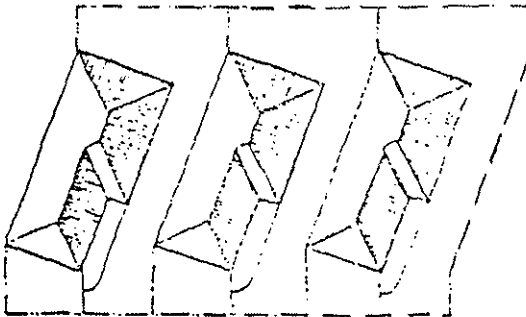
WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

YARD: A required open space other than a court unoccupied and unobstructed by any 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 and from the front lot line to the front of the principal building.
2. Yard, Rear: A yard extending between the 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.

**YARD SALE:** Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit.

**ZERO LOT LINE DEVELOPMENT:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.



ZERO LOT LINE

**ZONE LOT:** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

**ZONING ADMINISTRATOR:** The Zoning Administrator is the person designated by the Board of Township Trustees, to administer and enforce zoning regulations and related resolutions.

**ZONING PERMIT:** A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.