

ZONING
RESOLUTION
OF THE TOWNSHIP
OF WILLIAMSFIELD

**WILLIAMSFIELD TOWNSHIP
ASHTABULA COUNTY
OHIO**

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(As of 4/13/2015)

PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF WILLIAMSFIELD, 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, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING FOR THE 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,

THEREFORE BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF WILLIAMSFIELD TOWNSHIP, ASHTABULA COUNTY, STATE OF OHIO:

ZONING RESOLUTION OF THE TOWNSHIP OF WILLIAMSFIELD

Contents Summary

ARTICLE 1	Title, Interpretation and Enforcement	1
ARTICLE 2	Definitions	2
ARTICLE 3	Administration	23
ARTICLE 4	Enforcement	28
ARTICLE 5	Establishment and Purpose of Districts	33
ARTICLE 6	District Regulations	35
ARTICLE 7	Supplementary District Regulations	40
ARTICLE 8	Provisions for Official Zoning Map	47
ARTICLE 9	Amendment	50
ARTICLE 10	Non-Conformities	55
ARTICLE 11	Variances and Appeals	59
ARTICLE 12	Conditional Uses	63
ARTICLE 13	Home Occupations	68
ARTICLE 14	Signs	71
ARTICLE 15	Off-Street Parking and Loading Facilities	78
AMENDMENTS		84

ZONING RESOLUTION OF THE TOWNSHIP OF WILLIAMSFIELD

Table of Contents

ARTICLE 1	TITLE, INTERPRETATION AND ENFORCEMENT	1
Section 100	Title	1
Section 110	Provisions of Resolution Declared to be Minimum Requirements	1
Section 120	Separability Clause	1
Section 130	Repeal of Conflicting Resolution, Effective Date	1
ARTICLE 2	DEFINITIONS	2
	Types of Lots	21
	Lot Terms	22
ARTICLE 3	ADMINISTRATION	23
Section 300	Purpose	23
Section 301	General Provisions	23
Section 310	Board of Township Trustees	23
Section 320	Zoning Administrator	24
Section 321	Responsibilities of Zoning Administrator	24
Section 330	Proceedings of Zoning Commission	25
Section 331	Duties of Zoning Commission	25
Section 340	Board of Zoning Appeals	25
Section 341	Proceedings of Board of Zoning Appeals	26
Section 342	Duties of Board of Zoning Appeals	26
Section 350	Schedule of Fees	26
Section 360	Duties of Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	27
ARTICLE 4	ENFORCEMENT	28
Section 400	General	28
Section 401	Zoning Permits Required	28
Section 402	Contents for Application for Zoning Permit	28
Section 403	Approval of Zoning Permit	29
Section 404	Assurance Requirements and Plans	29
Section 405	Submission to Director of Transportation	29
Section 406	Expiration of Zoning Permit	30
Section 410	Record of Zoning Permits	30
Section 420	Failure to Obtain a Zoning Permit	30
Section 430	Construction and Use to be as Provided in Applications, Plans, Permits	30
Section 440	Complaints Regarding Violations	30
Section 450	Entry and Inspection of Property	31
Section 451	Stop Work Order	31
Section 452	Notice of Violation	31
Section 453	Zoning Permit Revocation	32

Section 460	Penalties and Fines	32
Section 470	Additional Remedies	32
ARTICLE 5	ESTABLISHMENT AND PURPOSE OF DISTRICTS	33
Section 500	Intent	33
Section 510	Residential Districts	33
Section 511	Residential District (R-1)	33
Section 520	Commercial Districts	33
Section 521	Local Commercial District (LC)	33
Section 530	Industrial Districts	33
Section 531	Light Industrial District (I-1)	34
Section 540	Agricultural Use	34
Section 541	Agricultural Requiring Permits	34
ARTICLE 6	DISTRICT REGULATIONS	35
Section 600	Compliance with Regulations	35
Section 610	Official Schedule of District Regulations Adopted	35
Section 620	Schedule of Permitted Uses	36
Section 630	Prohibited Uses	37
Section 635	Minimum Lot Size for Family Dwellings	38
Section 636	Minimum Square Footage, Single Family Dwelling	38
Section 640	Identification of the Official Schedule of District Regulations	38
Section 641	Official Schedule of District Regulations	39
ARTICLE 7	SUPPLEMENTARY DISTRICT REGULATIONS	40
Section 700	General	40
Section 701	Conversions of Dwellings to More Than One Unit	40
Section 702	Private Swimming Pools	40
Section 703	Community or Club Swimming Pools	41
Section 704	Temporary Buildings	41
Section 705	Parking and Storage of Certain Vehicles	41
Section 706	Required Refuse Collection Areas	41
Section 710	Supplementary Yard and Height Regulations	42
Section 711	Setback Requirements for Corner Buildings	42
Section 712	Visibility at Intersections	42
Section 713	Fence and Wall Restrictions in Front Yards	42
Section 714	Yard Requirements for Multifamily Dwellings	43
Section 715	Side and Rear Yard Requirements for Nonresidential Uses	
	Abutting Residential Districts	43
Section 716	Architectural Projections	43
Section 717	Exceptions to Height Regulations	43
Section 720	Objectionable, Noxious or Dangerous Uses, Practice, or Conditions	43
Section 721	Measurement Procedures	45
Section 730	Principal Building per Lot	45
Section 731	Reduction of Area or Space	45
Section 732	Construction in Easements	45
Section 733	Junk	45
Section 734	Garage Sales	46

Section 750	Enforcement Provisions	46
ARTICLE 8	PROVISIONS FOR OFFICIAL ZONING MAP	47
Section 800	Official Zoning Map	47
Section 810	Identification of Official Zoning Map	47
Section 820	Interpretation of District Boundaries	47
Section 830	Zoning Map Amendments	48
Section 840	File Zoning Map with County Planning Commission	48
	Copy of Zoning Map	49
ARTICLE 9	AMENDMENT	50
Section 900	General	50
Section 901	Procedure for Amendments for District Changes	50
Section 902	Initiation of Zoning Amendments	50
Section 903	Contents of Application for Zoning Map Amendment	50
Section 904	Contents of Application for Zoning Text Amendment	51
Section 905	Submission to County Planning Commission	51
Section 906	Submission to Director of the Ohio Department of Transportation	52
Section 907	Public Hearing by Zoning Commission	52
Section 908	Notice of Public Hearing in Newspaper	52
Section 909	Notice to Property Owners by Zoning Commission	53
Section 910	Recommendation by Zoning Commission	54
Section 911	Public Hearing by Board of Township Trustees	54
Section 912	Action by Board of Township Trustees	54
Section 913	Effective Date and Referendum	54
ARTICLE 10	NON-CONFORMITIES	55
Section 1000	Intent	55
Section 1001	Incompatibility of Non-Conformities	55
Section 1002	Avoidance of Undue Hardship	55
Section 1003	Single Non-Conforming Lots of Record	55
Section 1004	Non-Conforming Lots of Record in Combination	56
Section 1005	Non-Conforming Uses of Land	56
Section 1006	Non-Conforming Structures	56
Section 1007	Non-Conforming Uses of Structures or of Structures and Land in Combination	57
Section 1008	Repairs and Maintenance	58
Section 1009	Uses Under Conditional Use Provisions Not Non-Conforming Uses	58
ARTICLE 11	VARIANCES AND APPEALS	59
Section 1101	Procedure and Requirements for Appeals and Variances	59
Section 1102	Appeals	59
Section 1103	Stay of Proceedings	59
Section 1104	Variances	59
Section 1105	Application and Standards for Variances	60

Section 1106	Additional Conditions and Safeguards	61
Section 1107	Public Hearing by the Board of Zoning Appeals	61
Section 1108	Notice of Public Hearing in Newspaper	61
Section 1109	Notice to Parties in Interest	61
Section 1110	Action by Board of Zoning Appeals	61
Section 1111	Term of Variance	62
ARTICLE 12	CONDITIONAL USES	63
Section 1200	Purpose	63
Section 1201	Procedure and Requirements for Approval of Conditional Use Permits	63
Section 1202	Contents of Conditional Use Permit Application	63
Section 1203	General Standards for All Conditional Uses	64
Section 1204	Specific Criteria for Conditional Uses	65
Section 1205	Supplementary Conditions and Safeguards	66
Section 1206	Public Hearing by the Board of Zoning Appeals	67
Section 1207	Notice of Public Hearing in Newspaper	67
Section 1208	Notice to Parties in Interest	67
Section 1209	Action by Board of Zoning Appeals	67
Section 1210 A	Expiration of Conditional Use Permit	67
Section 1210 B	Regulation of Conditional Uses	67
ARTICLE 13	HOME OCCUPATIONS	68
Section 1300	Purpose	68
Section 1301	Regulation of Home Occupations	68
Section 1302	Home Occupation as a Permitted Use	68
Section 1303	Home Occupation as a Conditionally Permitted Use	69
Section 1304	Invalidation of Home Occupation Conditional Use Permit	69
ARTICLE 14	SIGNS	71
Section 1400	Intent	71
Section 1401	Governmental Signs Excluded	71
Section 1402	General Requirements for All Signs and Districts	71
Section 1403	Measurement of Sign Area	72
Section 1404	Signs Permitted in All Districts Not Requiring a Permit	72
Section 1405	Signs Permitted in Any District Requiring a Permit	73
Section 1406	Signs Permitted in Commercial and Industrial Districts Requiring a Permit	73
Section 1407	Temporary Signs	73
Section 1408	Free Standing Signs	74
Section 1409	Wall Signs Pertaining to Non-Conforming Uses	74
Section 1410	Political Signs	74
Section 1411	Sign Setback Requirements	74
Section 1412	Increased Setback	74
Section 1413	Setbacks for Off-Premises Signs	74
Section 1414	Setbacks for Public and Quasi-Public Signs	75
Section 1415	Special Yard Provisions	75

Section 1416	Limitation	75
Section 1417	Signs on Vehicles	75
Section 1418	Signs That Impede Vision	75
Section 1419	Maintenance	75
Section 1420	Abandoned Signs (and Advertising Structures) Prohibited	76
Section 1421	Non-Conforming Signs and Structures	76
Section 1422	Loss of Legal Non-Conforming Status	76
Section 1423	Violations	77
ARTICLE 15	OFF-STREET PARKING AND LOADING FACILITIES	78
Section 1500	General Requirements	78
Section 1501	Parking Space Dimensions	78
Section 1502	Loading Space Requirements and Dimensions	78
Section 1503	Paving	79
Section 1504	Drainage	79
Section 1505	Maintenance	79
Section 1506	Lighting	79
Section 1507	Location of Parking Spaces	79
Section 1508	Screening and/or Landscaping	79
Section 1509	Disabled Vehicles	80
Section 1510	Minimum Distance and Setbacks	80
Section 1511	Joint Use	80
Section 1512	Wheel Blocks	80
Section 1513	Width of Driveway Aisle	80
Section 1514	Access	81
Section 1515	Width of Access Driveway	81
Section 1516	Determination of Required Spaces	81
Section 1517	Parking Space Requirements	81
Section 1521	Industrial	82
Section 1522	General Interpretations	83
AMENDMENTS		84
AMENDMENT A – Approved February 24, 1997		
Article 2	Definitions	1-A
Article 6	District Regulations	2-A
Article 7	Supplementary District Regulations	2-A
Article 9	Section 912	4-A
Article 12	Conditional Uses	4-A
AMENDMENT B – Approved September 27, 2004		
Article 6	Add Sections 635 and 636	1-B
Article 6	Amend Article 641	1-B
AMENDMENT C – Approved March 13, 2017		
Article 7	Add Section 740	1-C

ARTICLE 1

TITLE, INTERPRETATION AND ENFORCEMENT

SECTION 100

TITLE:

This Resolution shall be known and may be cited from as the "Zoning Resolution of the Township of Williamsfield".

SECTION 110

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.

SECTION 120

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 of declared to be unconstitutional or invalid.

SECTION 130

REPEAL OF CONFLICTING RESOLUTION, EFFECTIVE DATE:

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

ARTICLE 2

DEFINITIONS

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".

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 detached 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 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: 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.

AGRICULTURE:

The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, apiculture, citiculture, and animal and poultry husbandry and the necessary accessory uses for parking, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one-hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

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 taxiway, 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.

AUTOMOBILE GRAVEYARD:

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.

AUTOMOTIVE REPAIR:

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

AUTOMOTIVE WRECKING:

The dismantling or wrecking of used motor vehicles, manufactured homes, recreation vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

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.

BASEMENT:

A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

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.

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.

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.

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 (24) 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 thirteen (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 seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age 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 four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age 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 one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of the definition, any children under six (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.

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 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.

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.

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 USE PERMIT:

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

CORNER LOT: See Lot Types

CUL-DE-SAC: See Thoroughfare

DEAD-END STREET: See Thoroughfare

DENSITY:

A unit of measurement; 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, recreation 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 manufactured 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 (1) 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, INDUSTRIALIZED UNIT:

An assembly of materials or products comprising all or part of a total structure which, when constructed, 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.

DWELLING, MULTIFAMILY:

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multifamily housing may include public housing and industrialized units.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY):

A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

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.

EASEMENT:

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

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 sited, 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.

FAMILY:

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over four persons.

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.

FLOODWAY:

That portion of the flood plain, 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.

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

GARAGE, PUBLIC:

A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

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 distributor parts;
2. Tire servicing and repair, but not recapping or re-grooving;

3. Replacement of mufflers and tail pipes, water hoses, 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 principal 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.

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 and rehabilitation of delinquent or pre-delinquent 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.

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 (3) 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. Sections 1300 to 1304 shall apply.

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.

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 three (3) or more dogs more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

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 required 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.

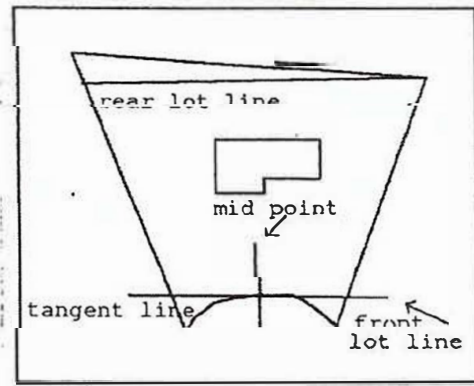
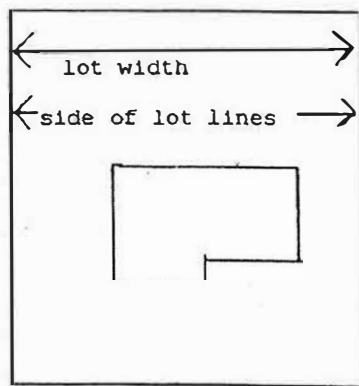
LOT FRONTAGE:

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

LOT 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 and curvilinear roads, the minimum frontage will be measured at the eighty (80) foot 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 (2) 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 (1) frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots and are not allowed.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

NOTE: See Figures 1 & 2 at the end of Article 2.

MAINTENANCE & STORAGE FACILITIES:

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

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.

MANUFACTURED HOME:

Any non-self-propelled vehicle transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three-hundred-twenty (320) 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 tract of land upon which three (3) or more “manufactured homes,” as defined in this Resolution, used for habitation are parked, either free of charge or for revenue purposes and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and where the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. “Manufactured home park” does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURING, EXTRACTIVE:

Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

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.

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.

NON-CONFORMITIES:

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

NURSERY, NURSING HOME:

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

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.

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.

PARK TRAILER:

A recreational vehicle that meets the following criteria:

1. Built on a single chassis mounted on wheels.
2. Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.
3. Having a gross trailer area not exceeding four-hundred (400) square feet in the set up mode.
4. Having a gross trailer area not less than two-hundred-forty (240) square feet and certified by the manufacturer as complying with ANSI A119.5.

PARKING SPACE, OFF-STREET:

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

PERFORMANCE BOND OR SURETY BOND:

An agreement by a subdivider or developer with the Board of Township Trustees 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.

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.

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 any 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, and public service facilities.

PUBLIC WAY:

An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land parkway, right-of-way, road, sidewalk, street, subway, tunnel 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.

QUASI-PUBLIC USE:

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or not-profit nature.

RECREATION CAMP:

An area of land on which two or more recreation 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 and one-half (8 1/2) feet and a length not exceeding forty (40) feet (max. of 400 square feet of living area). Representative of this type of unit is:

1. Travel trailer
2. Tent or pop-up trailer
3. Motor home
4. Fifth wheel trailer

5. Pick-up camper

6. 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.

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.

RIGHT-OF-WAY:

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

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 purposes 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.

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.

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.

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.

SUPPLY YARDS:

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL:

A pool, pond, lake, or open tank containing at least one and one-half (1 1/2) 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 multifamily 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.

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 (1) 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-eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street, nor normally more than six-hundred (600) feet from each other.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)

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 of the animals. 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 of 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.

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.

Note: See Figures 1 & 2, at the end of Article 2.

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.

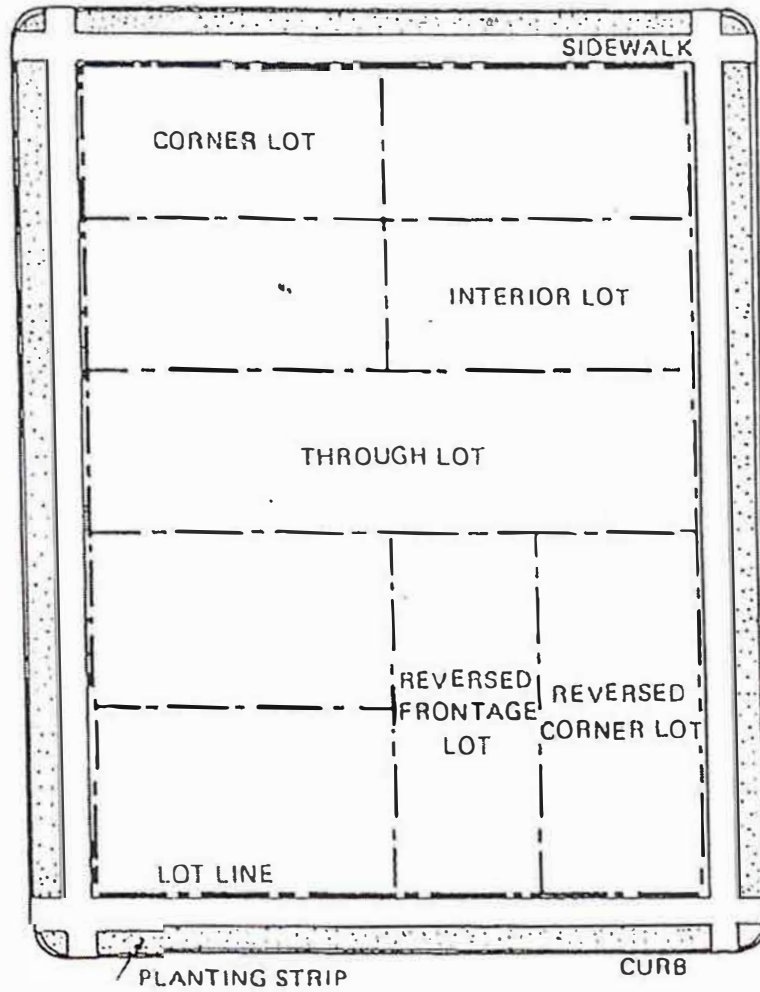
ZONING ADMINISTRATOR:

The Zoning Administrator is the person designated by the Board of Township trustees, to administer and enforce zoning regulations and related resolutions.

ZONING PERMIT:

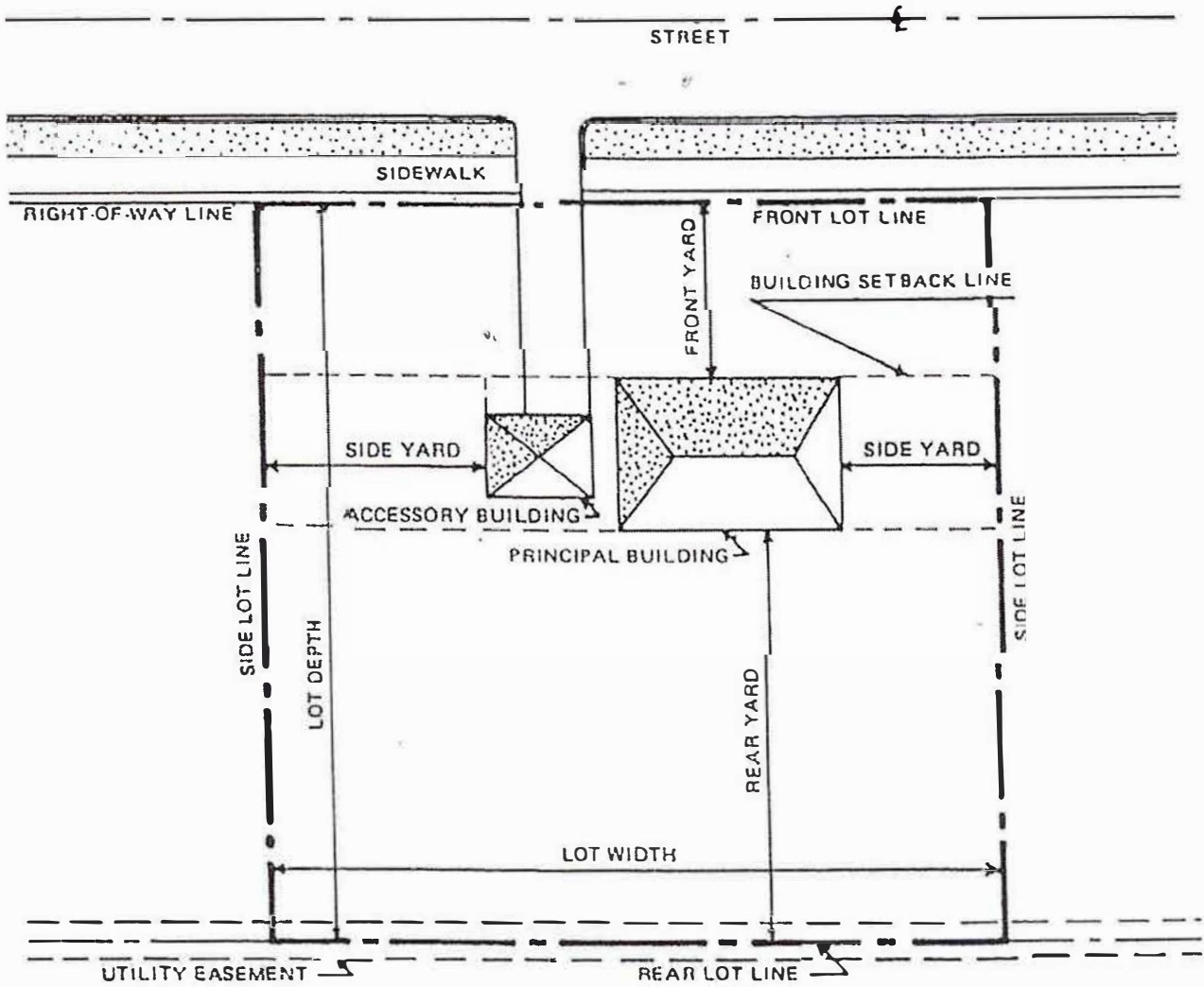
A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

STREET



TYPES OF LOTS

Figure 1



LOT AREA- TOTAL HORIZONTAL AREA

LOT COVERAGE- PER CENT OF LOT OCCUPIED
BY BUILDING

LOT TERMS

Figure 2

ARTICLE 3

ADMINISTRATION

SECTION 300

PURPOSE:

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

SECTION 301

GENERAL PROVISIONS:

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

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

SECTION 310

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 Administrator
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.
5. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

SECTION 320

ZONING ADMINISTRATOR

A Zoning Administrator 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.

SECTION 321

RESPONSIBILITIES OF ZONING ADMINISTRATOR

For the purpose of this Resolution, the Zoning Administrator 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 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 therefore. Failure to notify the applicant in case of each 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 office.
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 administration of 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.

SECTION 330

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.

SECTION 331

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 recommendations 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 9.
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.

SECTION 340

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 terms 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.

SECTION 341

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 Fiscal Officer.

SECTION 342

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 Administrator;
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 (30) 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.

SECTION 350

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 Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, 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.

SECTION 360

DUTIES OF ZONING ADMINISTRATOR, 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 Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, 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 Board of 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 Board of Township Trustees shall have only 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 350 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.

ARTICLE 4

ENFORCEMENT

SECTION 400

GENERAL

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

SECTION 401

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 therefore, issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

SECTION 402

CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for a 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 drawn to near 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.

SECTION 403

APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

SECTION 404

ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a zoning permit, the Zoning Administrator 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.

SECTION 405

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 Administrator 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 Administrator that he shall proceed to acquire the land needed, the Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Administrator 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 the Director of Transportation and the property owner, the Zoning

Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the zoning permit.

SECTION 406

EXPIRATION OF ZONING PERMIT

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

SECTION 410

RECORD OF ZONING PERMITS

The Zoning Administrator shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

SECTION 420

FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 460 of this Resolution.

SECTION 430

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

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorizes only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 460 of this Resolution.

SECTION 440

COMPLAINTS REGARDING VIOLATIONS

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

SECTION 450

ENTRY AND INSPECTION OF PROPERTY

The Zoning Administrator 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.

SECTION 451

STOP WORK ORDER

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Administrator 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 Administrator, shall constitute a punishable violation of this Resolution.

SECTION 452

NOTICE OF VIOLATION

Whenever the Zoning Administrator 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 Administrator. Service shall be deemed complete when the fact of mailing is entered on 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.

SECTION 453

ZONING PERMIT REVOCATION

The Zoning Administrator 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.

SECTION 460

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 (100) dollars 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.

SECTION 470

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 Administrator, 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 5

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION 500

INTENT

The following zoning districts are hereby established for the Township of Williamsfield, Ohio. For the interpretation of this Resolution the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

SECTION 510

RESIDENTIAL DISTRICTS

Residential district is established to meet the purposes set forth in Section 511 of this Resolution.

SECTION 511

RESIDENTIAL DISTRICT (R-1)

The purpose of the R-1 District is to permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future. This district also allows the opportunity to satisfy individual housing preferences and shall permit not more than one (1) dwelling unit per gross acre.

SECTION 520

COMMERCIAL DISTRICTS

Commercial district is established to meet the purposes set forth in Section 521 of this Resolution.

SECTION 521

LOCAL COMMERCIAL DISTRICT (LC)

The purpose of the LC District is to encourage the establishment of areas for convenience commercial uses which tend to meet the daily needs of the residents of an immediate neighborhood.

SECTION 530

INDUSTRIAL DISTRICTS

Industrial district is established to meet the purposes set forth in Section 531 of this Resolution.

SECTION 531

LIGHT INDUSTRIAL DISTRICT (I-1)

The purpose of the I-1 District is to encourage the development of manufacturing and wholesale industrial establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generated little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense industrial and residential uses.

SECTION 540

AGRICULTURAL USE

Land in any district may be used for agricultural purposes. A zoning certificate shall not be required for the construction of buildings incident to the use for agricultural purposes of land on which buildings shall be located. For the purpose of this Resolution "agricultural" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, citriculture and animal husbandry.

SECTION 541

AGRICULTURAL REQUIRING PERMITS

A zoning certificate shall be required for the construction of buildings on agriculture parcels if the use thereof is not incident to agriculture.

ARTICLE 6

DISTRICT REGULATIONS

SECTION 600

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 spaces; 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.

SECTION 610

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 7 of this Resolution, "Supplementary District Regulations".

SECTION 620

SCHEDULE OF PERMITTED USES

RESIDENTIAL DISTRICTS

Single Family Dwellings
Two Family Dwellings
Occupiable Mobile Home
Bed and Breakfast
Home Occupations
Swimming Pools
Signs
Produce Stands

COMMERCIAL DISTRICTS

All Residential District Uses
Government Buildings
Recreational Campgrounds*
Recreational Vehicle Storage*
Recreational Related Sales and Service*
Medical Doctor
Dentist
Veterinary Animal Hospital
Barber and/or Beauty Shops
Auto Sales
Car Wash
Day Care Centers
Banks
Food Service Retail
Food Stores

LIGHT INDUSTRIAL DISTRICTS

All Residential District Uses
All Commercial District Permitted Uses
All other uses to be conditionally approved by the Board of Appeals

* Conditional as of 2/24/1997

SECTION 630

PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District:

~~Rentals of onsite Recreational Vehicles~~ (Removed 2/24/1997)

Occupancy of recreational vehicles except in licensed Recreational Camps.

Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, unless such dumping is done at a place provided or approved by the Williamsfield Township Trustees for specific purposes. (This Section shall not be applicable to the normal care of individual lawns or gardens or pursuits incidental to agricultural purposes).

Junk yards, automobile grave yards or places for the collection or sale of scrap metal, salvaged automotive parts, paper, rags, glass, salvage or junk for salvage or storage purposes, storing old tires, except where this use is an integral part in the manufacturing process.

Slaughter houses.

Class II group residential facilities.

The parking or storing of an abandoned, dismantled, wrecked, inoperative, unused and/or unlicensed vehicle, trailer, aircraft, or piece of farm equipment, or any accumulation or combination thereof, unless parked or stored in a garage, barn, or other structure, and not exposed to public view.

Solid waste incinerators including medical waste incinerators.

Landfills (solid or liquid waste disposal).

Keeping dangerous pets in any district.

SECTION 635

MINIMUM LOT SIZE FOR FAMILY DWELLINGS

SINGLE FAMILY DWELLING – TWO (2) ACRES AND TWO HUNDRED (200)
FEET OF ROAD FRONTAGE.

DUPLEX FAMILY DWELLING – FOUR (4) ACRES AND FOUR HUNDRED (400)
FEET OF ROAD FRONTAGE.

TRIPLEX FAMILY DWELLING – SIX (6) ACRES AND SIX HUNDRED (600)
FEET OF ROAD FRONTAGE.

SECTION 636

MINIMUM SQUARE FOOTAGE, SINGLE FAMILY DWELLING

SITE BUILT DWELLINGS WILL BE SUBJECT TO A MINIMUM OF 980 SQUARE FEET REQUIREMENT, AS WILL OTHER MANUFACTURED HOUSING UNITS NOT BEARING THE “HUD SEAL” AND THEREFORE NOT CLASSIFIED AS PSMH (PRIMARY SITE BUILT MANUFACTURED HOUSING) WHICH MAY BE 900 SQUARE FEET OR MORE AS PER FEDERAL AND STATE LAW.

SECTION 640

IDENTIFICATION OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

The Official Schedule of District Regulations shall be identified by the signature of the Chairman of the Board of Township Trustees.

OFFICIAL SCHEDULE DISTRICT REGULATIONS

SECTION 641

TOWNSHIP OF Williamsfield OHIO

ZONING DISTRICTS	PRINCIPALLY PERMITTED USES	MINIMUM LOT SIZE (ACREAGE PER HOUSEHOLD)	WIDTH (FEET)	MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED	MINIMUM FLOOR AREA (SQUARE FEET)	MAXIMUM HEIGHT OF (PRINCIPAL) BUILDING (STORIES)	MINIMUM YARD DIMENSIONS (FEET)	ACCESSORY BUILDINGS						
								SIDE YARDS			REAR	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE IN FEET TO	
SYMBOLS AS USED	(ACCESSORY USES AND ESSENTIAL SERVICES ARE INCLUDED)			(PRINCIPAL AND ACCESSORY BUILDINGS)				FRONT	ONE SIDE YARD	SUM OF SIDE YARDS			LOT LINE	REAR LOT LINE
ON THE OFFICIAL ZONING MAP														
R	HOUSING	2 ACRES	200	25	980	2	35	50	10	20	10	35	12.5	10
	* PSMH	2 ACRES	200	25	900			50	10	20	10	35	12.5	10
C	RETAIL	2 ACRES	200	70	-	2	35	25	10	20	10	35	10	10
I	MFG.		100	70		2	35	25	10	20	10	35	10	10

This is to certify that this is the official schedule of district regulations referred to in section 640 and article 6 of zoning resolution of the Williamsfield Township of Ashtabula County, Ohio

Thomas E. Martin
Trustee
[Signature]
Trustee
Gordon J. Eastlake
Trustee

AMENDED September 27, 2004
Date

ATTEST *Harold E. Singrey*
Harold E. Singrey, Clerk

* Section 636, Article 6

pg. 39

ARTICLE 7

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 700

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.

SECTION 701

CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the lot area requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances.

SECTION 702

PRIVATE SWIMMING POOLS

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any property line;

3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

SECTION 703

COMMUNITY OR CLUB SWIMMING POOLS

Community and club swimming pools are permitted in any commercial or residential district, but shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of 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 areas used by the bathers, shall not be closer than fifty (50) feet to any property line;
3. The swimming pool and all of the areas used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

SECTION 704

TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Administrator.

SECTION 705

PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one (1) boat and one (1) travel trailer may be stored in the rear yard if they have a current license.

SECTION 706

REQUIRED REFUSE COLLECTION AREAS

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height, unless 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 Administrator. In addition, the following requirements shall be met:

- 1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
- 2. 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;
- 3. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

SECTION 710

SUPPLEMENTARY YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other Sections of this Resolution, the provisions of Sections 711-717, inclusive shall be used for interpretation and clarification.

SECTION 711

SETBACK REQUIREMENTS FOR CORNER BUILDINGS

On a corner lot the principal building and its accessory structures 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.

SECTION 712

VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 1/2) 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 lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

SECTION 713

FENCE AND WALL RESTRICTIONS IN FRONT YARDS

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one 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 one half (2 1/2) and ten (10) feet.

SECTION 714

YARD REQUIREMENTS FOR MULTIFAMILY DWELLINGS

Multifamily dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

SECTION 715

SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) 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 Administrator is provided. Such screening shall be a masonry 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 planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

SECTION 716

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 required minimum front, side, or rear yard.

SECTION 717

EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, 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.

SECTION 720

OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICE, 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 are 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 as determined by the Zoning Administrator due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Administrator without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
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 Communications 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.

SECTION 721

MEASUREMENT PROCEDURES

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D. C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

SECTION 730

PRINCIPAL BUILDING PER LOT

No more than one (1) principal building or structure may be constructed upon any one (1) 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 10 of this Resolution.

SECTION 731

REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, 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.

SECTION 732

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.

SECTION 733

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, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.

SECTION 734

GARAGE SALES

Garage sales, which for the purpose of this Section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted.

- a. Any individual, organization or family may conduct four (4) such sales within any twelve (12) month period upon the property at which he or they reside, for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed.

SECTION 735 – ZONING PERMIT REQUIRED FOR TRANSMISSION FACILITIES

(See Amendment A, Page 2-A, Approved February 24, 1997)

SECTION 736 – APPROVAL STANDARDS FOR A TRANSMISSION FACILITY

(See Amendment A, Page 2-A, Approved February 24, 1997)

SECTION 740 – SEXUALLY ORIENTED BUSINESSES

(See Amendment C, Page 1-C, Approved March 13, 2017)

SECTION 750

ENFORCEMENT PROVISIONS

Any use, conditions, or circumstances existing in violation of Sections 701-734 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Sections 452-470 of this Resolution.

ARTICLE 8

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 800

OFFICIAL ZONING MAP

The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

SECTION 810

IDENTIFICATION OF OFFICIAL ZONING MAP

The Official Zoning Map shall be properly identified by the signature of the Chairman of the Board of Township Trustees, as attested by the Township Fiscal Officer, and bearing the official seal. The Map shall be maintained by the Zoning Administrator, and shall remain on file in the office of the Fiscal Officer. 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.

SECTION 820

INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such 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 centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from 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.

SECTION 830

ZONING MAP AMENDMENTS

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator 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 and attested to by the Fiscal Officer.

SECTION 840

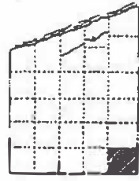
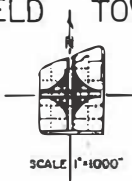
FILE ZONING MAP WITH COUNTY PLANNING COMMISSION

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

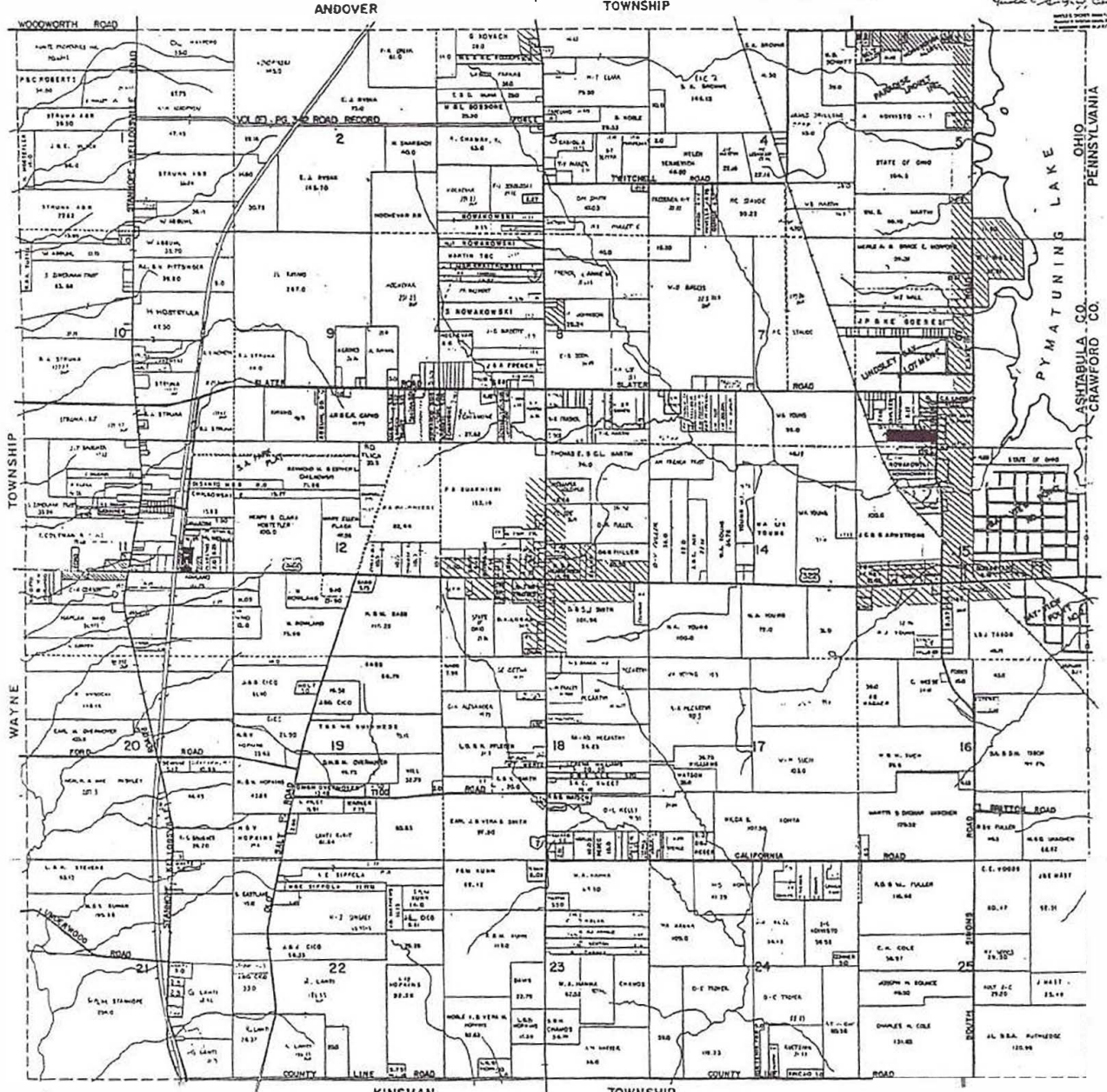
John W. Smolen
COUNTY ENGINEER

WILLIAMSFIELD TOWNSHIP

ASHTABULA COUNTY
OHIO



John W. Smolen
County Engineer
June 1, 1910



TOWNSHIP TRUSTEES

Wm. H. ...
H. ...
...

TOWNSHIP COMMISSIONERS

THIS TOWNSHIP TAKES ITS NAME FROM GEN. JOSEPH WILLIAMS, WHO WAS AN EARLY OWNER OF A LARGE PART OF LAND IN ITS EASTERN PART. FIRST SETTLEMENTS WERE MADE IN 1804 BY CHARLES CASE & SON TORONTO AND BY JOHN L. BOON & HIS WIFE. THESE FAMILIES HAD EMIGRATED FROM PRESTON CO. WITH JUDGE KINSMAN IN 1804. OTHER EARLY ARRIVALS IN THE TOWNSHIP INCLUDED SUCH NAMES AS RANDALL, TUTTLE, JONES AND IN 1808 BARCOCK, WOODWORTH, FOSB, MITCHINSON, AND RICE.

COUNTY COMMISSIONERS

D. ...
JEANNE ...

MADE BY LEONARD S. BARDLEY
1910

ARTICLE 9

AMENDMENT

SECTION 900

GENERAL

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

SECTION 901

PROCEDURE FOR AMENDMENTS FOR DISTRICT CHANGES

This Resolution may be amended by utilizing the procedures specified in Sections 901-913, inclusive, of this Resolution.

SECTION 902

INITIATION OF ZONING AMENDMENTS

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

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

SECTION 903

CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Application amendment to the Official Zoning Map adopted as part of this Resolution by Article 8 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 Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator 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) parcel 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.

SECTION 904

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 fee as established by Resolution of the Board of Township Trustees.

SECTION 905

SUBMISSION TO COUNTY PLANNING COMMISSION

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the 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.

SECTION 906

SUBMISSION TO DIRECTOR OF THE OHIO DEPARTMENT 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 Zoning Commission may proceed as required by law; however, the 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 any 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 the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

SECTION 907 (Replaced by Section 911 February 24, 1997)

PUBLIC HEARING BY ZONING COMMISSION

The Zoning Commission shall schedule a public hearing after the adoption of their motion, 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) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

SECTION 908

NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing as required in Section 907, 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 of the Township at least ten (10) days before the date of said hearing.

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

1. The name of the zoning commission that will be conducting the public hearing;
2. A statement indicating that the motion, Resolution, or application is an amendment to the zoning resolution;
3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list;

4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
 5. The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least fifteen (15) days prior to the public hearing;
 6. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
 7. Any other information requested by the zoning commission;
 8. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) ten parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:
1. The name of the zoning commission that will be conducting the public hearing on the proposed amendment;
 2. A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
 3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least fifteen (15) days prior to the public hearing;
 4. The name of the person responsible for giving notice of the public hearing by publication;
 5. A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action;
 6. Any other information requested by the zoning commission.

SECTION 909

NOTICE TO PROPERTY OWNERS BY ZONING COMMISSION

If the proposed amendment intends to rezone or redistrict ten (10) or less parcel of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure to deliver the notice, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 908.

SECTION 910

RECOMMENDATION BY ZONING COMMISSION

Within thirty (30) days after the public hearing required by Section 907, 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.

SECTION 911

PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES

Within thirty (30) days from the receipt of the recommendation by the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper shall be given by the Board of Township Trustees as specified in Section 908.

SECTION 912

ACTION BY BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after the public hearing required by Section 911, 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.

SECTION 913

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 present 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 votes cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at 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 votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE 10

NON-CONFORMITIES

SECTION 1000

INTENT

Within the districts established by this 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. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 1001

INCOMPATIBILITY OF NON-CONFORMITIES

Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination, shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 1002

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. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

SECTION 1003

SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous

frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 11 and 7 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 1101-1111.

SECTION 1004

NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage 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.

SECTION 1005

NON-CONFORMING USES OF LAND

Where, at the time of 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 a greater area of 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 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.

SECTION 1006

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, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 1007

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 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;
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 exiting 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 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 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 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.

SECTION 1008

REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 1009

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 11

VARIANCES AND APPEALS

SECTION 1101

PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Section 1102-1111, inclusive, of this Resolution. As specified in Section 340, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 1102

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 Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 1103

STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator 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 Administrator from whom the appeal is taken on due cause shown.

SECTION 1104

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 non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming 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.

SECTION 1105

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 value 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.

SECTION 1106

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 of 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.

SECTION 1107

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 Administrator or an applicant.

SECTION 1108

NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 1107, notice of such hearing shall be given in one (1) or more newspapers of general circulation of 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.

SECTION 1109

NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 1107, 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 date of the hearing to all parties in interest. The notice shall contain the same information as required on notices published in newspapers as specified in Section 1108.

SECTION 1110

ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 1107, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Sections 1106 and 1111, or disapprove the request for appeal or variance. The Board of Zoning Appeals

shall further make a finding that the reasons set forth in the application justify the granting on the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 342.

SECTION 1111

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.

ARTICLE 12

CONDITIONAL USES

SECTION 1200

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 1201-1210 of this Resolution.

SECTION 1201

PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Sections 1200-1210, inclusive of this Resolution.

SECTION 1202

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 Administrator, who shall within seven (7) days, transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and telephone 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 Resolution;

10. A narrative addressing each of the applicable criteria contained in Section 1203.

SECTION 1203

GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 1204, 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 12;
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 parking spaces as required in this Resolution, 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 to the setback and building design of existing uses in the district.

SECTION 1204

SPECIFIC CRITERIA FOR CONDITIONAL USES

Following is a list of specific requirements for conditionally permitted uses as specified in the Official Schedule of District Regulations:

Items 1 – 7 deal with mining and excavating.

Items 8 – 12 deal with Recreational Camps and Licensed Recreational Camps. (Added 2/24/97)

1. There shall be filed with the Zoning Administrator, a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features;
2. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water;
3. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.;
4. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer;

5. There shall be filed with the Board, a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated;

6. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:

a. that the excavated area shall not collect and permit to remain therein stagnant water, or,

b. that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof--so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded;

7. There shall be filed with the Board of Township Trustees, a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

8. Campgrounds shall keep adequate records sufficient to show compliance with these items 8 through 11. The records shall be available for inspection on request by the Zoning Administrator or any Township Trustee.

9. The Township will place no limits on length of stay between May 16 and September 14.

10. Temporary residential occupancy for any individual is limited to twenty-one (21) days out of every thirty (30) days from September 15 until May 15 of the following year.

11. A renewable one (1) week extended occupancy permit must be secured by management of the recreational camp should a guest's stay exceed standards set in item 10 Section 1204.

12. Recreational vehicles or buildings used for on-site rentals may not exceed four-hundred (400) square feet of living space. Any larger vehicle or building must meet all of the minimum requirements for a permanent dwelling.

SECTION 1205

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Sections 440-470 of this Resolution.

SECTION 1206

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 a conditional use permit from the Zoning Administrator.

SECTION 1207

NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before conducting the public hearing required in Section 1206, notice of such hearing shall be given in one (1) 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.

SECTION 1208

NOTICE TO PARTIES IN INTEREST

Before conducting the public hearing required in Section 1206, 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 date 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 1207.

SECTION 1209

ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 1206, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 1205. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason (s) for disapproval. If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 360.

SECTION 1210 A

EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one (1) 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-transferable from one owner to another.

SECTION 1210 B

REGULATION OF CONDITIONAL USES

The provisions of Sections 1200 to 1210 inclusive of this Resolution apply to the location and maintenance of any and all conditional uses.

ARTICLE 13

HOME OCCUPATIONS

SECTION 1300

PURPOSE

It is the purpose of Sections 1300 to 1304 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.

SECTION 1301

REGULATION OF HOME OCCUPATIONS

Sections 1300 to 1304 inclusive shall apply to the location, operation, and maintenance of home occupations.

SECTION 1302

HOME OCCUPATION AS A PERMITTED USE

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than four (4) square feet shall be mounted flush to a wall of the structure;
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street;
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use;
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibrations, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
6. No additional parking demand shall be created;
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

SECTION 1303

HOME OCCUPATION AS A CONDITIONALLY PERMITTED USE

A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Section 1302. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use;
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation;
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies;
4. There shall be no outside storage of any kind related to the use;
5. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation;
6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than four (4) square feet shall be mounted flush to the wall of the structure;
7. 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;
8. 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;
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard;
10. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard.

SECTION 1304

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.

ARTICLE 14

SIGNS

SECTION 1400

INTENT

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways, provide more open space, curb the deterioration of the natural environment, and enhance community development.

SECTION 1401

GOVERNMENTAL SIGNS EXCLUDED

For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

SECTION 1402

GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this Section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections 1 and 2 of this Section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;

4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
6. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1407 herein;
7. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
8. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;
9. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;
10. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property,

SECTION 1403

MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

SECTION 1404

SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

1. No more than one (1) sign advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet and shall be limited to one (1) sign;
2. No more than one (1) professional name plate not to exceed four (4) square feet in area and shall be limited to one (1) sign;
3. No more than one (1) sign denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area and shall be limited to one (1) sign.

SECTION 1405

SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed thirty-two (32) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential, shall not exceed thirty-two (32) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

SECTION 1406

SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS REQUIRING A PERMIT

The regulations set forth in this Section shall apply to signs in all commercial and industrial districts and such sign shall require a permit.

1. In a commercial or industrial district, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one-hundred (100) square feet.
2. In a commercial or industrial district, two (2) off-premises sign with a total area not exceeding six-hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one-thousand two-hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two-hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall not be more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

SECTION 1407

TEMPORARY SIGNS

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1402, the setback requirements in Sections 1411 to 1414 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1400.

SECTION 1408

FREE STANDING SIGNS

Free standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one-hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line may, be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building.

SECTION 1409

WALL SIGNS PERTAINING TO NON-CONFORMING USES

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

SECTION 1410

POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

SECTION 1411

SIGN SETBACK REQUIREMENTS

Except as modified in Sections 1412-1415, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

SECTION 1412

INCREASED SETBACK

For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot, but need not exceed one-hundred (100) feet.

SECTION 1413

SETBACKS FOR OFF-PREMISES SIGNS

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

SECTION 1414

SETBACKS FOR PUBLIC AND QUASI-PUBLIC SIGNS

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

SECTION 1415

SPECIAL YARD PROVISIONS

On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

SECTION 1416

LIMITATION

For the purpose of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516, and the regulations adopted pursuant thereto.

SECTION 1417

SIGNS ON VEHICLES

No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

SECTION 1418

SIGNS, IMPEDE VISION

From any public or private driveway exiting onto a dedicated road, no sign shall be placed as to materially impede vision across such driveway or road between the height of two and one-half (2 1/2) and ten (10) feet.

SECTION 1419

MAINTENANCE

1. All signs shall be maintained in safe and sound structural condition at all times and shall be presentable.

2. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign, or, if the owner of the sign cannot reasonably be determined or located, by the owner of the premises.

3. The Zoning Administrator shall remove any off-premise advertising sign or structure found to be unsafe or structurally unsound within fourteen (14) days of issuing a written notification to the owner of the sign or the property owner.

4. The Zoning Administrator shall remove any on-premise sign which is determined to be unsafe or structurally unsound within fourteen (14) days of issuance of written notification to the property owner.

SECTION 1420

ABANDONED SIGNS (AND ADVERTISING STRUCTURES) PROHIBITED

An abandoned sign is declared to be a nuisance, is prohibited, and shall be removed by the owner of the sign, or, if the owner of the sign cannot be reasonably determined, by the owner of the property.

1. Any on-premise sign, which is located on property which becomes vacant or unoccupied for a period of two (2) years or more, or any on-premise sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. On-premise signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of two (2) years or more.

SECTION 1421

NON-CONFORMING SIGNS AND STRUCTURES

Advertising signs and structures in existence prior to the effective date of this Resolution and for which a permit or variance has been granted which violate or are otherwise not in conformance with the provisions of this Article, shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

SECTION 1422

LOSS OF LEGAL NON-CONFORMING STATUS

1. A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into compliance with this Article or removed if it meets any one (1) of the following criteria:

- a. It is altered in copy (except changeable copy signs);
- b. It is altered in structure;

- c. It is enlarged;
- d. It is relocated or replaced;
- e. It is structurally damaged to an extent greater than one-half (1/2) of its estimated replacement value;
- f. It is abandoned as defined in Section 1420;
- g. It is in violation of Section 1402.

SECTION 1423

VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 460 of this Resolution. Political signs posted in violation of Section 1410 of this Resolution are subject to removal by the Zoning Administrator five (5) days after written notice of violation of Section 1410 has been given.

ARTICLE 15

OFF-STREET PARKING AND LOADING FACILITIES

SECTION 1500

GENERAL REQUIREMENTS

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Resolution;
3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

SECTION 1501

PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1517 of this Resolution.

SECTION 1502

LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five-thousand (5,000) square feet. One (1) loading space shall be provided for each additional ten-thousand (10,000) square feet or fraction thereof.

SECTION 1503

PAVING

The required number of parking and loading spaces as set forth in Section 1502 and 1517, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

SECTION 1504

DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water unto adjacent properties or walkways.

SECTION 1505

MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

SECTION 1506

LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

SECTION 1507

LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven-hundred (700) feet from the principal use;
3. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three-hundred (300) feet from the principal use.

SECTION 1508

SCREENING AND/OR LANDSCAPING

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall or planting screen shall be

not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

SECTION 1509

DISABLED VEHICLES

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

SECTION 1510

MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

SECTION 1511

JOINT USE

Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Administrator shall be filed with the application for a zoning permit.

SECTION 1512

WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

SECTION 1513

WIDTH OF DRIVEWAY AISLE

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

SECTION 1514

ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

SECTION 1515

WIDTH OF ACCESS DRIVEWAY

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one way traffic the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one (1) aisle or driveway shall have directional signs or markings in each aisle or driveway.

SECTION 1516

DETERMINATION OF REQUIRED SPACES

To compute the number of parking spaces required by this Resolution, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, wash-rooms, elevator shafts, and similar non-usable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
3. Fractional numbers shall be increased to the next whole number.

SECTION 1517

PARKING SPACE REQUIREMENTS

For the purposes of this Resolution the following parking space requirements shall apply:

1. Residential uses
 - a. Single-family or two family dwellings -- Two (2) for each unit.

b. Apartments, Townhouses or multifamily dwellings -- Two (2) for each unit.

2. Business related uses

a. Animal hospitals and kennels -- One (1) for each four-hundred (400) square feet of floor area and one (1) for each two (2) employees.

b. Motor vehicle repair station -- One (1) for each four-hundred (400) square feet of floor area and one (1) for each employee.

c. Motor vehicles salesroom -- One (1) for each four-hundred (400) square feet of floor area and one (1) for each employee.

d. Motor vehicle service stations -- Two (2) for each service bay and one (1) for every two (2) gasoline pumps.

e. Car washing facilities -- One (1) for each employee.

f. Banks, financial institutions, post offices, and similar uses -- One (1) for each two-hundred fifty (250) square feet of floor area and one (1) for each employee.

g. Barber and beauty shops -- Three (3) for each barber or beauty operator.

h. Carry-out restaurants -- One (1) for each two-hundred (200) square feet of floor area and one (1) for each two (2) employees.

i. Drive-in restaurants -- One (1) for each one-hundred twenty-five (125) square feet of floor area and one (1) per each two (2) employees.

j. Hotels, motels -- One (1) for each sleeping room plus one (1) space for each two (2) employees.

k. Bed/Breakfast Home -- One (1) for each sleeping room.

SECTION 1521

INDUSTRIAL

1. All types of industrial, storage, and wholesale uses permitted in any industrial district require one (1) for every two (2) employees (on the largest shift for which the building is designed) plus one (1) for each motor vehicle used in the business.

2. Cartage, express, parcel delivery, and freight terminals require one (1) for every two (2) employees (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

SECTION 1522

GENERAL INTERPRETATIONS

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board upon an appeal from a decision of the Zoning Administrator.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Administrator.

AMENDMENTS

AMENDMENT A
APPROVED FEBRUARY 24, 1997

ARTICLE 2

DEFINITIONS

DEFINITIONS TO BE ADDED

DANGEROUS PETS:

1. Predatory: Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.
2. Nature: Any non-native animal, bird, reptile, fish, or insect which, if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.
3. Refers to any animal, reptile, bird, fish, or insect which is trained, restrained, confined, and cared for in a way which demonstrates, or which poses, a threat of physical harm to humans, or which creates a nuisance to the neighborhood.

LICENSED RECREATION CAMP:

A recreation camp which is designed and licensed under R.C. chapter 3733 for placement of five (5) or more portable camping units. A licensed recreation camp also includes any building, structure, vehicle, or enclosure used or intended for use (including for rental) as part of the facilities of the camp and may include portable cabins, recreational vehicles, and park trailers.

PERMANENT RESIDENCE:

Occupancy exceeding twenty-one (21) days out of any thirty (30) days. Other factors that may be used to determine permanent residence include but are not limited to enrollment of children in school, establishment of a post office box, and use of an address for driver's license and/or automobile registration.

PORTABLE CABIN:

A portable cabin is a dwelling unit designed primarily as temporary living quarters for seasonal or destination camping, which may be connected to utilities necessary for operation of installed fixtures and appliances, and which is mounted on a single chassis capable of being towed on wheels.

TEMPORARY RESIDENCE:

Occupancy for any individual is limited to twenty-one (21) days out of any thirty (30) days.

ARTICLE 6

DISTRICT REGULATIONS

Remove these from under the Permitted Uses Section 620 in a commercial district.

RECREATIONAL CAMPGROUNDS
RECREATIONAL VEHICLE STORAGE
RECREATIONAL RELATED SALES AND SERVICE

They will now be treated as conditional uses.

SECTION 630

REMOVE

Rentals of onsite Recreational Vehicles

ADD

1. Occupancy of Recreational Vehicles except in Licensed Recreational Camps.
2. Keeping dangerous pets in any district.

ARTICLE 7

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 735

ZONING PERMIT REQUIRED

No person, firm or corporation shall undertake the construction, erection, or installation of the following without a permit:

1. VHF and UHF television towers and transmission facilities;
2. FM and AM radio towers and accessory facilities;
3. Two-way radio towers;
4. Common carriers;
5. Cellular telephone, and
6. Fixed-point microwave.

SECTION 736

APPROVAL STANDARDS FOR A TRANSMISSION FACILITY

All uses listed in Section 735 must meet all of the following standards:

1. Existing or approved towers cannot accommodate the telecommunications

- equipment for the proposed tower.
2. The site of existing and approved towers cannot practicably accommodate the proposed tower.
 3. Structures will be set back from abutting residential district parcels, public property, or road rights-of-way a sufficient distance to:
 - a. Common on-site substantially all ice-fall or debris from tower failure;
 - b. Protect the general public from non-ionizing electromagnetic radiation (NIER) at levels generally found to be dangerous;
 - c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight (8) feet;
 - d. Maintain a setback of tower bases from abutting residential parcels, public property or road rights-of-way by a distance of twenty percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
 - e. Maintain tower setbacks from abutting land in other districts by the rear and side yard setback required in that district, and
 - f. Restrict placement of guy wire anchors to setback twenty-five (25) feet from abutting residential district property lines, public property or road rights-of-way and the rear yard setback from abutting land in other districts.
 4. The tower is set back from other on-and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails,
 5. At least two (2) off-street parking spaces must be provided,
 6. Existing on-site vegetation shall be preserved to the maximum extent practicable,
 7. Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
 8. Accessory facilities in a residential district may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may it exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.

ARTICLE 9
AMENDMENT

SECTION 912

ACTION BY BOARD OF TOWNSHIP TRUSTEES

Replace Section 907 with Section 911.

ARTICLE 12
CONDITIONAL USES

Add these items to SECTION 1204 SPECIFIC CRITERIA FOR CONDITIONAL USES

ADD:

Items 1 – 7 deal with mining and excavating.

Items 8 – 12 deal with Recreational Camps and Licensed Recreational Camps.

8. Campgrounds shall keep adequate records sufficient to show compliance with these items 8 through 11. The records shall be available for inspection on request by the Zoning Administrator or any Township Trustee.
9. The Township will place no limits on length of stay between May 16 and September 14.
10. Temporary residential occupancy for any individual is limited to twenty-one (21) days out of every thirty (30) days from September 15 until May 15 of the following year.
11. A renewable one (1) week extended occupancy permit must be secured by management of the recreational camp should a guest's stay exceed standards set in item 10 Section 1204.
12. Recreational vehicles or buildings used for on-site rentals may not exceed four-hundred (400) square feet of living space. Any larger vehicle or building must meet all of the minimum requirements for a permanent dwelling.

AMENDMENT B

APPROVED SEPTEMBER 27, 2004

ARTICLE 6

SECTIONS TO BE ADDED:

SECTION 635

MINIMUM LOT SIZE FOR FAMILY DWELLINGS

SINGLE FAMILY DWELLING-- TWO (2) ACRES AND TWO (200) HUNDRED FEET OF ROAD FRONTAGE.

DUPLEX FAMILY DWELLING-- FOUR (4) ACRES AND FOUR (400) HUNDRED FEET OF ROAD FRONTAGE.

TRIPLEX FAMILY DWELLING-- SIX (6) ACRES AND SIX (600) HUNDRED FEET OF ROAD FRONTAGE.

SECTION 636

MINIMUM SQUARE FOOTAGE, SINGLE FAMILY DWELLING

SITE BUILT DWELLINGS WILL BE SUBJECT TO A MINIMUM OF 980 SQUARE FEET REQUIREMENT, AS WILL OTHER MANUFACTURED HOUSING UNITS NOT BEARING THE " HUD SEAL " AND THEREFORE NOT CLASSIFIED AS PSMH (PRIMARY SITEBUILT MANUFACTURED HOUSING) WHICH MAY BE 900 SQUARE FEET OR MORE AS PER FEDERAL AND STATE LAW.

SECTION 641 (AS AMENDED)

OFFICIAL SCHEDULE DISTRICT REGULATIONS

SECTION 641

TOWNSHIP OF Williamsfield OHIO

ZONING DISTRICTS	PRINCIPALLY PERMITTED USES	MINIMUM LOT SIZE (ACREAGE PER HOUSEHOLD)	WIDTH (FEET)	MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED (PRINCIPAL AND ACCESSORY BUILDINGS)	MINIMUM FLOOR AREA (SQUARE FEET)	MAXIMUM HEIGHT OF PRINCIPAL BUILDING (STORIES)	MINIMUM YARD DIMENSIONS (FEET)				ACCESSORY BUILDINGS			
							FRONT	SIDE	REAR	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE IN FEET TO	SIDE	REAR	
AS USED	ACCESSORY USES AND SERVICES ARE INCLUDED						FRONT	SIDE	REAR	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE IN FEET TO	SIDE	REAR	
MAP							YARD	YARDS			LOT	LOT	LINE	
R	HOUSING	2 ACRES	200	25	980	2	35	50	10	20	10	35	12.5	10
	* PSMH	2 ACRES	200	25	900			50	10	20	10	35	12.5	10
C	RETAIL	2 ACRES	200	70		2	35	25	10	20	10	35	10	10
I	MFG.		100	70		2	35	25	10	20	10	35	10	10

This is to certify that this is the official schedule of district regulations referred to in section 640 and article 6 of zoning resolution of the Williamsfield Township of Ashtabula County, Ohio

Thomas E. Martin
Trustee
Harold E. Singrey
Trustee

AMENDED September 27, 2004
Date

ATTEST *Harold E. Singrey*
Harold E. Singrey, Clerk

AMENDMENT C

APPROVED MARCH 13, 2017

ARTICLE 7

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 740

SEXUALLY ORIENTED BUSINESSES

740.01 Intent

740.02 Purpose and Findings

740.03 Definitions

740.04 Classifications

740.05 Location

740.06 Sign Regulations

740.07 Severability

740.01 INTENT

WHEREAS, the **Williamsfield Township Zoning Commission and Board of Township Trustees** find that there is convincing documented evidence that **SEXUALLY ORIENTED BUSINESSES**, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that **SEXUALLY ORIENTED BUSINESSES**, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area: and

WHEREAS, the **Williamsfield Township Zoning Commission and Board of Township Trustees** desire to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the **Williamsfield Township Zoning Commission and Board of Township Trustees** have determined that locational criteria will serve to protect the health, safety, and general welfare of the people of this Township; and

WHEREAS, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of **SEXUALLY ORIENTED BUSINESSES**; and

WHEREAS, it is not the intent of the **Williamsfield Township Zoning Commission and Board of Township Trustees** to condone or legitimize the distribution of obscene material, and they recognize that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

BE IT ENACTED BY THE ZONING COMMISSION AND BOARD OF TOWNSHIP TRUSTEES OF WILLIAMSFIELD TOWNSHIP, OHIO;

740.02 PURPOSE AND FINDINGS

- (1) Purpose. It is the purpose of this amendment to designate areas where **SEXUALLY ORIENTED BUSINESSES** may be located in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of **SEXUALLY ORIENTED BUSINESSES** within the Township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this amendment to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.

- (2) Findings. There is substantial evidence concerning the adverse secondary effects of adult uses on the community in findings incorporated the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma Township, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington. Said cases and studies have been reviewed by the Township.

740.03 DEFINITIONS

- (1) ADULT ARCADE means any place to which the public is permitted or invited where either or both (i) motion picture machines, projectors, video or laser disc players, or (ii) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time: and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- (2) ADULT BOOKS. ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas": or
 - (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- (3) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (a) persons who appear in a "state of nudity" or "state of semi-nudity"; or
 - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (c) live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
 - (d) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (4) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- (5) ADULT THEATER means a theater, concert hall, auditorium, or other commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (6) COVERING means any clothing or wearing apparel, including opaque pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- (7) ESTABLISHMENT means and includes any of the following:
- (a) the opening or commencement of any Sexually Oriented Business as a new business;
 - (b) the conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
 - (c) the addition(s) of any Sexually Oriented Business to any other existing Sexually Oriented Business; or
 - (d) the relocation of any Sexually Oriented Business.
- (8) NUDE MODEL STUDIO means any place where a person who appears seminude or who displays specified anatomical areas provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include:

- (1) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
- (2) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in

advance of the class; and where no more than one semi-nude model is on the premises at any one time.

- (9) NUDITY or a STATE OF NUDITY or NUDE means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic area with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- (10) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (11) PRINCIPAL BUSINESS PURPOSE means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration whichever is the greater.
- (12) SEMINUDITY or SEMINUDE CONDITION or SEMINUDE means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the male or female buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (13) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact including wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (14) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

- (15) SPECIFIED ANATOMICAL AREAS means:
- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (16) SPECIFIED SEXUAL ACTIVITIES means any of the following:
- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
- (17) SUBSTANTIAL ENLARGEMENT of a Sexually Oriented business means the increase in floor area(s) occupied by the business by more than twenty-five percent (25%), of the floor area existing on the date this amendment takes effect.

740.04 CLASSIFICATIONS

SEXUALLY ORIENTED BUSINESSES are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores; adult cabarets;
- (3) adult motion picture theaters;
- (4) adult theaters;
- (5) nude model studios; and
- (6) sexual encounter centers.

740.05 LOCATION

- (1) Sexually Oriented Businesses may be located only in those areas that are zoned as an I-1 District.
- (2) No Sexually Oriented Business may be established on any lot which has frontage, borders on or touches U.S. Route 322 (U.S. Hwy 322) or State Route 7 (SR7).

- (3) No Sexually Oriented Business may be established within 600 feet of:
- (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. For purposes of determining the distance of 600 feet provided hereinabove, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - (c) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar publicly-owned land within the Township under the control, operation, or management of either the Township or some other public entity;
 - (d) A private entity the mission or purpose of which is dedicated towards children and families;
 - (e) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
- (5) No Sexually Oriented Business may be established, operated or enlarged within 600 feet of another Sexually Oriented Business.
- (6) Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing a Sexually Oriented business may not be increased.
- (7) For the purpose of subsections (4) and (5) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a Sexually Oriented Business is conducted, to the nearest portion of the building or structure of a use listed in subsection (4) and (5).

- (8) For purposes of subsection (6) of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the portion of the building or structure in which each business is located

740.06 SIGN REGULATIONS

- (1) All signs shall be "wall signs," defined as a sign attached to or painted on the wall of a building or structure with the sign face parallel or approximately parallel to the wall, with a maximum allowable sign area of one hundred (100) square feet as measured in accordance with the standards specified in Article 14, Section 1406, Paragraph 1 of this Zoning Resolution.
- (2) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or road in front of the building.

740.07 SEVERABILITY

If any section, subsection, or clause of this amendment shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

All amendments or parts of amendments in conflict with the provisions of this amendment are hereby repealed.