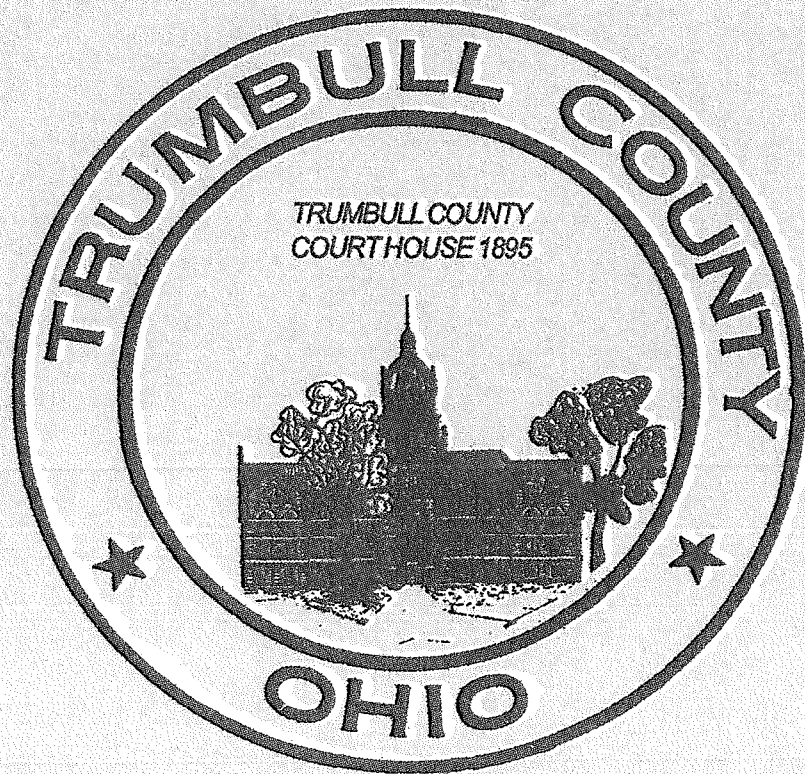


ZONING ORDINANCE

GUSTAVUS TOWNSHIP



REVISED - SEPTEMBER, 2011

INDEX

Section	Page
I. Purpose.....	1
II. Districts.....	1 & 2
III. Agriculture.....	2 & 3
IV. R Classification of Uses.....	3 & 4
IV. B Classification of Uses.....	4 & 5
IV. I Classification of Uses.....	5
V. Prohibited Uses.....	6,7,8,9,10,11,12,13,14,15
VI. Non-Conforming Uses.....	15
VII. Outdoor Advertising.....	15 & 16
VIII. Public Utilities and Railroads.....	16
IX. Minimum Lot Area Per Family.....	16
X. Minimum Lot Width.....	17
XI. Set-Back Building Lines.....	17
XII. Side Yards.....	17
XIII. Corner Lots.....	17
XIV. Rear Yards.....	18
XV. Rear Houses.....	18
XVI. Parking Facilities.....	18
XVII. Board of Zoning Appeals.....	18, 19 & 20
XVIII. Zoning Certificate.....	20 & 21
XIX. Enforcement.....	21 & 22
XX. Interpretation.....	22
XXI. Validity.....	22
XXII. Oil and Gas Regulation.....	22, 23 & 24
XXIII. Definitions.....	24, 25, 26 & 27
XXIV. Amendment.....	27, 28, & 29

ZONING RESOLUTION FOR GUSTAVUS TOWNSHIP

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

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

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

SECTION I. PURPOSE

For the purpose of promoting health, safety moral, comfort and general welfare: to conserve and protect property and property values: to secure the most appropriate use of land: and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan the Board of Trustees of the Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins and mobile homes, percentages of lot areas which may be occupied, set-back building lines size of yards, courts and other open spaces, the uses of buildings and other structures including tents, cabins, and mobile homes and the uses of land for trade industry, residence, recreation or other purposes and for such purposes divides the area of the township into districts or zones.

SECTION II. DISTRICTS

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

1. Residential, which shall be designated as "R" districts.
2. Business and commercial, which shall be designated as "B" districts.
3. Industrial and manufacturing, which shall be designated as "I" districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part of the resolution. No building or premises shall be used and no building be erected except in conformity with the regulations prescribed herein for the district in which it is located,

and in conformity with the rules and regulations of the County and State Boards of Health.

SECTION III. AGRICULTURE

Land in any district may be used for agriculture purposes. No zoning certificate shall be required for the construction of a building or buildings incident to the use for agricultural purposes of the land on which such buildings shall be located, but dwelling or dwellings used by a person for a home or residence shall conform to the regulations contained in this resolution. For the purpose of this resolution, "Agriculture" shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animals and poultry husbandry.

It is hereby found that agriculture in all forms is in the best interests of the public health, safety, morals, comfort and general welfare of the Township. In furtherance of the foregoing, it is hereby established that agriculture should be protected and promoted in the township.

It is therefore specifically allowed and deemed to be in accordance with this zoning ordinance that all aspects of agriculture and farming which are performed in the usual course of business according to standard agricultural practices be continued, subject to any federal, state or local government regulations. The practices allowed by this Section III shall include but not be limited to:

1. Above or below ground storage and disposal of organic animal wastes used as fertilizer feed or methane generation.
2. Application consistent with standard agricultural practices of insecticides upon agricultural land and within buildings used for agriculture.
3. Application consistent with standard agricultural practices of herbicides upon lands used for agricultural purposes.
4. Application consistent with standard agricultural practices of fertilizers, plant nutrients or anhydrous ammonia in liquid solid or gaseous states by whatever means if proper within standard agricultural practices.
5. Operation of any equipment used for farming or agricultural purposes, including but not limited to tractors, combines, irrigation systems and grain drying systems upon lands used for agriculture at any time during day or night or continuously as seasonal needs require.
6. Construction and use of buildings and equipment used for the distillation of alcohol from crops grown or products produced on the lands used for agricultural purposes.

7. Construction and use of buildings and equipment for production of methane gas or other forms of energy from organic animal wastes or crops grown on lands used for agricultural purposes.

SECTION IV. R. CLASSIFICATION OF USES

For the purpose of this resolution, the various uses of buildings and premises shall be classified as follows:

The following uses and no other shall be deemed class R uses and permitted in all "R" districts:

1. Singles and two-family dwellings for residence purposes and buildings accessory thereto, but excluding tents, cabins, and mobile homes.
2. Tourists homes, rooming houses and boarding houses.
3. Church, school college, university, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playgrounds.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence, providing such use does not involve any extension or modification of said dwelling which will alter its appearance as a dwelling, and providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this resolution, and further providing that not more than thirty-three per cent (33%) of said dwelling house be used for said office.
5. Basement homes shall be permitted for a period of two (2) years, and the yard shall be graded or landscaped before occupation. Any person has the privilege of obtaining an extension of time for two (2) additional years from the zoning inspector for the use of said basement home.
6. Every dwelling shall have a first floor space designed and used for living quarters of not less than twelve hundred (1200) square feet per family unit in a single story dwelling, fourteen hundred (1400) square feet for a bi-level dwelling and sixteen hundred (1600) square feet for a two story dwelling, exclusive of basements, porches, garages and breezeways. A residence shall be covered with a conventional type of siding of a good grade of material, which shall exclude roof shingle and tar paper. The finished exterior shall be of good workmanship.
7. All structures or buildings having an overall first floor area of greater than two hundred fifty (250) square feet shall have an approved foundation according to the

8. No overall dimension of any side of a principle residential structure shall be less than twenty four (24) feet. This requirement is for the main portion of the structure (Original specification on manufactured housing), with no additions or porches included within this measurement.
9. Oil and gas wells and sugar bush permitted.
10. Roadside stands consisting of structures used for the display and sale of agricultural products provided:
 - a. Such stands are not in the road right-of-way
 - b. Such stands are at least twenty five (25) feet back from the traveled portion of the road
 - c. Adequate facilities, are maintained for off the road parking of customer's vehicles
 - d. More than fifty percent (50%) of the products sold on such roadside stand are agricultural products raised on the premises
 - e. That such roadside stand be so designed and constructed it can be removed when not in use.

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

SECTION IV. B. CLASSIFICATION OF USES

The following uses and no other shall be deemed Class B uses and permitted in all B districts:

1. Any use permitted in and "R" district shall be permitted in "B" district
2. Apartment house, rooming house, hotel, living quarters over business establishments, restaurants, lunch room, garage
3. Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishments, bank, office or office building, studio
4. Dairy plant or dairy store
5. Lodge hall, roller rink, or place of amusement
6. Gasoline filling and service station proving storage tanks are underground and covered to conform to State Code

7. Indoor theater, bowling alley, dance hall
8. Job printing, newspaper printing plants
9. Coal yard, builder's supply, ice storage and sales, plumbing and heating supply
10. Hospital, sanitarium, or rest home provided that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than five hundred (500) feet and providing that any such hospital, sanitarium, or rest home caring for contagious disease or mental cases also have a lot area of not less than (1) acre per bed additional to the other requirements set forth herein.
11. All buildings in commercial districts, must conform to a setback line of ninety (90) feet on township and county roads. Set back line of one hundred ten (110) feet shall be established on state roads, but may conform to an established building line where existing buildings are present. A transition between the existing and proposed building lines to proportionately increased by a depth of twenty five (25) feet back from the existing building for every one hundred (100) feet until the building line specified in this section is reached.

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

SECTION IV. I. CLASSIFICATION OF USES

The following uses and no other shall be deemed Class I uses and permitted in all I districts:

1. Any use permitted in a R district or a B district shall be permitted in all I districts.
2. All buildings in commercial districts, must conform to a set back line of ninety (90) feet on township and county roads. Setback lines of one hundred ten (110) feet shall be established on state roads, but may conform to an established building line where existing buildings are present. A transition between the existing and proposed building lines to proportionately increased by a depth of twenty five (25) feet back from the existing building for every one hundred (100) feet until the building line specified in this section is reached.
3. Any normal industrial or manufacturing use, providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame, or vibration, except uses specifically prohibited in this resolution.

SECTION V. PROHIBITED USES

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

1. Landfills, dumping or burning of garbage
2. Dumping or storage of toxic or nuclear waste
3. Amusement parks
4. Commercial aviation fields
5. Bulk petroleum station with tanks above ground: Distilling or crackling plants or plants used in refining of gasoline and or oil products. Agriculture exempt.
6. Distilling of bones, fat glue or gelatin manufacturing
7. Manufacturing and/or selling of explosives and/or fireworks. Not including loading ammunition for personal use. Sale of ammunition is permitted.
8. Junk yards, automobile grave yards or places for the collection of sales of scrap metal, paper, rags, glass salvage or junk for salvage or storage purposes, except where this is an integral part of manufacturing process. No abandoned junk motor vehicles, currently unregistered, wrecked or dismantled automobiles, trucks trailers, farm equipment, aircraft, boats, refrigerators, washers, dryers, commodes, or any other unsightly materials shall not be permitted to remain exposed on the premises. Failure to comply after (30) days notice of removal shall constitute a misdemeanor (515-23) and (519-19) penalty Ohio Revised Code
9. Commercial zoos or zoological parks
10. Strip mining shall be prohibited whereas conditions that are site specific create a negative effect on neighboring properties
11. Any commercial race track or drag strip
12. Commercial egg factories
13. Prisons
14. Drug rehabilitation centers or home

15. Psychiatric institutions
16. Storing tires except where it is an integral part of manufacturing process
17. Recreational Vehicle Parks, Camp Grounds, Temporary or permanent living quarters in Recreation Vehicles, Travel Trailers, Tents or any other temporary shelters
18. No land use or operation in any district shall be permitted that adversely affects the environment, soil, water-ways, property values, health, safety, welfare or creates a nuisance
19. Dangerous pets are prohibited in all districts
 - A. **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
 - B. **NUISANCE:** Animals, birds or reptiles, which emit noises or odors of an offensive nature beyond the residential property of the owner
 - C. **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

20. DOG CONTROL RESOLUTION:

WHEREAS, the State of Ohio has granted Townships the authority in Ohio Revised Code Section 955.221 to pass resolutions to control dogs, including but not limited to, resolutions concerning the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Gustavus Township, Ohio that:

DOG CONTROL, DANGEROUS AND VICIOUS DOGS:

SECTION 1: DEFINITIONS

A. As used in this section:

1. (a) "Dangerous dog" means a dog that, without provocation, and subject to division 1 (b) of this section, has chased or approached in either a menacing fashion or an

apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fence yard, or other locked enclosure which has a top

(b) "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties

2. "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person
3. "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties
4. (a) "Vicious dog" means a dog that, without provocation and subject to division (4)(b) of this section, meets any of the following:
 - (i) Has killed or caused serious injury to any person;
 - (ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog
 - (iii) Belongs to a breed that is commonly known as a pit bull dog. The ownership keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog
- (b) "Vicious dog" does not include either of the following:
 - (i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties
 - (ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog
5. "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity

6. Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents
7. Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.
8. Within ten (10) days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, he shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:
 - a. The name and address of the buyer or other transferee of the dog
 - b. The age, sex, color, breed, and current registration number of the dog

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

- "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred"
- "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred"
- "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred"

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

9. No seller or other transferor of a dog shall fail to comply with the applicable requirements of this section

SECTION 2: CONTROL AND RESTRAINT

1. As used in this section, “dangerous dog” and “vicious dog” have the same meaning as in Section 1 of this Resolution
2. No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger, at any time if the dog is in heat, unless the dog is properly on a leash
3. Except when a dog is lawfully engaged in hunting and accompanied by the owner keeper, harbinger, or handler of the dog, no owner, keeper, harbinger, or handler of any dog shall fail at any time to do either of the following:
 - (i) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger, or property of another with their permission, by an adequate leash, tether, fence, supervision or secure enclosure to prevent escape
 - (ii) Keep the dog under the reasonable control of some person
4. Except when a “dangerous dog” or a “vicious dog” is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, harbinger, or handler of any dog shall fail at any time to do either of the following:
 - (i) While that dog is on the premises of the owner, keeper or harbinger, securely confine said dog at all times in a locked pen which has a top and a concrete floor, in a locked fenced yard, or other locked enclosure that has a top and is constructed in a manner to prevent the dog from escaping under the fence or enclosure, except that a dangerous dog may, in the alternative be tied with a chain link leash or tether of sufficient strength so that the dog is adequately restrained:
 - (ii) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain link leash or tether of adequate strength that is not more than six (6) feet in length and **additionally does at least one** of the following:
 1. Keep that dog in a locked pen which has a top, concrete floor, locked fenced yard, or other locked enclosure with top
 2. Have the leash or tether controlled by a person who is of suitable age and discretion, or securely attach, tie, or affix the leash or tether to the ground or a stationery object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog to prevent it from causing injury to any person

3. Muzzle that dog

5. The owner, keeper or harbinger of a vicious dog, or a dog commonly known as a pit bull, shall give written notice that such a dog is located on his property to all adjacent and contiguous property owners and/or residents and shall register the dog with the township zoning inspector during business hours, with proof of the county dog license, rabies inoculation record and liability insurance, as provided below
6. No owner, keeper or harbinger of a vicious dog, shall fail to obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio, providing coverage for each occurrence, subject to a limit exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) for damage or bodily injury to or death of a person caused by the vicious dog. The owner, keeper or harbinger of a vicious breed of dog, commonly known as the pit bull, shall in addition to the one hundred thousand dollar (\$100,000.00) liability insurance, shall maintain a one million dollar (\$1,000,000.00) Umbrella Liability Insurance Policy. Proof of said insurance shall be made to the zoning inspector upon registration, or request of the zoning inspector.
7. No person shall do any of the following:
 - a. De-bark or surgically silence a dog that the person knows or has reason to believe is a vicious dog
 - b. Possess a vicious dog if the person knows or has reason to believe that the dog has been de-barked or surgically silenced
 - c. Falsely attest on a waiver form provided by the veterinarian under part 8, below that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form
8. Before a veterinarian de-barks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver from that attests that dog is not a vicious dog. The waiver form shall include all of the following:
 - a. The veterinarian's license number and current business address
 - b. The number of the dog's license
 - c. A reasonable description of the age, coloring and gender of the dog, as well as any notable markings on the dog
 - d. The signature of the dog's owner attesting that the dog is not a vicious dog

e. A statement that division F of Ohio Revised Code Section 955.22 prohibits any person from doing any of the following:

- (i) Debark or surgically silence a dog that the person knows or has reason to believe is a vicious dog
- (ii) Possess a vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced
- (iii) Falsely attest on a waiver from provided by the veterinarian under division 8 of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form

9. It is an affirmative defensive to a charge of a violation of division 7 of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form that complies with division 8 of this section and that attests that the dog is not a vicious dog
10. It shall be prima facie evidence that a dog is not under the required control if such a dog chases, injures, menaces or kills any person or domestic animal or commits any nuisance upon property other than that of its owner, keeper or harborer
11. In the event of a nuisance complaint notification of the county animal protection agency or humane society must be made

SECTION 3: BARKING AND NOISY DOGS

No person shall keep or harbor any dog that howls, yelps, or barks or emits audible sounds which are unreasonably loud or disturbing and persistent in intensity and duration so as to disturb the peace and quiet of the neighborhood or to be detrimental to the life, health and safety of any individual. Such howling, yelping or barking shall be deemed a violation of this section if the howling, yelping or barking is audible outside the premises of the locations of said dog, and persists continually for a period of five (5) minutes or more between the hours of 8:00 pm and 8:00 am and for a period of ten (10) minutes or more from 8:00 am to 8:00 pm

This section shall not apply to the incidental or intermittent howling, yelping or barking of a dog in response to the presence of a guest, trespasser or other animal in the presence of the dog; or to alert the owner of said dog to an impending threat or danger, or injury of the dog

SECTION 4: UNSANITARY CONDITIONS

No person shall keep or harbor any dog in the township so as to create noxious or

offensive odors, or unsanitary conditions which adversely impact the health, comfort or safety of the public

SECTION 5: DAMAGE TO PROPERTY

1. Any owner, keeper, or harbinger of any dog that injures or damages public property or private property of someone other than that of the dog's owner, keeper or harbinger, shall be strictly liable to the injured or damaged party
2. No owner, keeper, or harbinger of any dog that defecates upon property of another shall fail to immediately remove any and all feces deposited by such dog from the property of another, including public parks and/or other public property. The owner or person having charge of such dog shall immediately dispose of such feces in a sanitary manner

SECTION 6: PROHIBITION OF CERTAIN VICIOUS BREEDS

The keeping and harboring of any cross or mix breed of a wolf and dog shall constitute a nuisance and threat the health and safety of the general public and shall be prohibited.

SECTION 7: EXEMPTIONS

This Resolution shall **NOT** apply to:

1. The owner or person in charge of a dog that is assisting a blind, deaf or handicapped person and such person is either unaware that the dog's activities are in violation of the Resolution or is unable to comply with this Resolution, **EXCEPT** for a dangerous or vicious dog, in which case this Resolution shall fully apply
2. Law enforcement personnel in charge of a dog which is assisting such personnel in the performance of official duties
3. A dog lawfully engaged in hunting or legitimate training for the purpose of hunting while accompanied by and under the control of a licensed hunter

SECTION 8: DUTIES WHEN A DOG BITES A PERSON

1. No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.

2. No person shall kill a dog that has bitten any person until a quarantine period as specified in this section has been completed.
 - a. This section does not apply to the killing of a dog in order to prevent further injury or death or if the dog is diseased or seriously injured.
3. No person who has killed a dog that has bitten any person in order to prevent further injury or death or if the dog is diseased or seriously injured shall fail to do both of the following:
 - a. Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing
 - b. Hold the body of the dog until that board of health claims it to perform tests for rabies
4. The quarantine period for a dog that has bitten any person shall be ten (10) days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies
5. To enable persons to comply with the quarantine requirements specified in this section boards of health shall make provision for the quarantine of individual dogs under the circumstances described in those divisions
6. Upon the receipt of a notification pursuant to this section that a dog that has bitten any person has been killed, the board of health for the district in which the bite occurred shall claim the body of the dog from its killer and then perform tests on the body for rabies
7. This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the board of health for the district in which the bite occurred to perform tests for rabies
8. As used in this section, "police dog" has the same meaning as in Ohio Revised Code Section 2921.321, and Section 1, number 3 of this Resolution

SECTION 9: PENALTIES

1. Any violation of the Resolution shall result in a minor misdemeanor, punishable by a

a fine of up to \$100.00. Each day of continued violation of this Resolution shall constitute a separate offense

2. In addition, the Court may, in its discretion, order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause the dog to complete obedience training, or do both. Alternatively, the Court may, in its discretion order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society

SECTION VI. NON-CONFORMING USES

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued to two (2) years or more, it shall then be deemed abandoned and any further use must be conformity with the uses permitted in such district
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of the resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect
3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire of the elements may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction
4. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than twenty five (25%) in area
5. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to less restricted or non-conforming use

SECTION VII. OUTDOOR ADVERTISING

For the purpose of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all B and I districts and on all lands used for agricultural purposes, subject to the regulations contained in this resolution:

1. Signs not larger than five (5) square feet in area shall be permitted in a R district provided they are not located within the road right-of way
2. An outdoor advertising sign or billboard, other than those mentioned in paragraph one

of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced

3. Any outdoor advertising sign except those mentioned in paragraph one (1) of this section, shall not be placed nearer any street or road than twenty (20) feet from the berm of side street or road
4. No outdoor advertising sign, except those mentioned in paragraph one (1) of this section shall be located within a hundred (100) feet of any intersection unless affixed to a building
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors
6. All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct view or cause traffic hazard
7. Any sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet on an intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light of such sign any colors appearing in the traffic control signal

SECTION VIII. PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities or railroads

SECTION IX. MINIMUM LOT AREA PER FAMILY

1. No single-family dwelling shall be erected, or building altered to accommodate one family as residence on less than a two (2) acre lot area unless such lot was designated on a recorded lot or separately owned at the time this resolution took effect and cannot Practically be enlarged to conform with this requirement
2. No two-family or multiple dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than two (2) acres of lot area
3. No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each fourteen thousand four hundred (14,400) square feet of lot area
4. In computing lot area, not to exceed one-half of the width of the road or street right-of-way may be included if the lot owner holds title to the same

SECTION X. MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having frontage of less than two hundred (200) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a B or I district for uses other than for dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities

SECTION XI. SET-BACK BUILDING LINES

1. No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences and underground tanks, shall be erected within one hundred ten (110) feet from the center line of any state or federal highway, and ninety (90) feet from the center line on all other roads and highways, unless there is an established set-back line set by houses located in the immediate vicinity, in which case the established set-back line shall govern
2. Yard and /or privacy fences shall be located a minimum of two (2) feet from all property lines, finished side to face adjoining properties. Yard and decorative fences shall have a maximum height of four (4) feet and be located so as not to interfere with road right of way. Privacy fences shall have a maximum height of eight (8) feet and be located not less than fifty (50) feet from the centerline of the road. Property line partitions on agricultural property may be constructed in accordance with applicable provisions of the Ohio Revised Code
3. A zoning permit with a fee of \$25.00 will be required for erecting any yard, privacy and/or decorative fences

SECTION XII. SIDE YARDS

For every dwelling erected in a R district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building structure. Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be a part of main building for the purpose of this section. No side yard clearance shall be required for a commercial or industrial building in B or I districts

SECTION XIII. CORNER LOTS

The set-back building on a corner lot shall be in accordance with the provisions governing the road or streets. The side yard clearance on the side street should conform to the set-back line for an inside lot on said road or street

SECTION XIV. REAR YARDS

For every building erected in a R district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of a least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure

SECTION XV. REAR HOUSES

Any structure built behind another property shall have a least two hundred (200) feet of frontage and set back line of one hundred (100) feet from adjoining property line

SECTION XVI. PARKING FACILITIES

1. Any dwelling and apartment house shall provide parking space with means of ingress and egress thereto for not less than one (1) motor vehicle per dwelling unit or apartment. No less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle
2. All Class B uses shall provide parking space off the road or street outside of the public right-of-way and not more than three hundred (300) feet distance from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of the first floor of the said establishment which it serves
3. Every theater, auditorium, stadium, arena, building or grounds used for the assembly of person to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons
4. All Class B and I uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading or taking away from said user goods, materials, supplies, or waste in connection with said business or use

SECTION XVII. BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire

each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals shall serve with compensation as set by the Township Trustees.

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

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decisions or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto
2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done

In exercising the above mentioned powers, such board may, in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement of determination as out to be made, and to that end shall have all power of the office from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provision of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of the witnesses. All meetings of the Board of Zoning Appeals 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 immediately be filed in the office of the Board of Township Trustees and shall be a public record.

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

The Township Board of Zoning Appeals shall fix reasonable time for the hearing of the appeal, give ten (10) days notice to the parties of interest, and decide the same within thirty (30)

days after submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of a Township Board of Appeals may appeal to the Court of Common Pleas of the county on the grounds that such decision was unreasonable or unlawful.

SECTION XVIII. ZONING CERTIFICATE

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

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

The following fees shall be paid prior to issuance of zoning certificates. Such fees are for the purpose of defraying the cost of inspection, certification and the maintenance of necessary records.

1. Ten (10) cents per square foot of floor space for zoning certificate fee for residential dwellings. A fee of fifteen (15) cents per square foot for commercial buildings. Ten (10) cents per square foot fee for outbuildings, utility sheds, garages and signs, with a minimum fee of twenty five dollars (\$25.00).
2. A fee of one hundred fifty dollars (\$150.00) will be charged for appeals and variances. A fee of three hundred dollars (\$300.00) will be charged for zone changes.
3. A zoning permit shall be issued for one hundred eighty (180) days. If more time is needed, the zoning inspector can authorize an additional specified amount of time, not to exceed one year (1).

In addition to the above fees any actual costs for plans, permits, professional assistance and advice and unusual expense furnished by the Township Zoning Inspector or Township Board of Trustees shall be charged to the applicant for a zoning certificate. A receipt for all moneys paid by the applicant for a zoning certificate shall be issued by the Township Zoning Inspector.

This resolution shall not be interfering with, abrogating or annulling any ordinances, regulations, resolutions or permits previously adopted or issued by the Gustavus Township Trustees except where such ordinances, regulations, resolutions or amendments hereto: in which event this resolution or amendments hereto shall prevail.

Neither the Gustavus Township Zoning Inspector nor any Assistant Building Inspector nor Clerk shall, during the term of his (or her) office, be employed or engaged, directly or indirectly in any building construction business for others, or enter in any contract for building construction for others or for furnishing materials, plans, specifications or equipment for others. Nor shall any duly licensed real estate broker or salesman be appointed to the Township Building Inspector, Assistant Building Inspector or Clerk.

SECTION XIX. ENFORCEMENT

- A. It shall be unlawful to construct, reconstruct, enlarge, change maintain or use any building or to use any land violation of any regulation or any provision of this resolution or amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one one hundred dollars (\$100.00). Each and every day during which such illegal erection construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- B. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to Be used in violation of law of this resolution of any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions proceedings to prevent enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- C. The Township Zoning Inspector may revoke any permit or approval issued under the provisions of this ordinance or may stop the work for any of the following reasons:
 - 1. Whenever there is a violation of any of the provisions of the Ordinance or any statue of the State of Ohio relating to the same subject matter
 - 2. Whenever the continuance of any work becomes dangerous to life or property
 - 3. Whenever there is a violation of any condition on which the issuance of the permit or approval as based

4. Whenever any false statement or misrepresentation has been made in the application, plans or specifications on which the issuance of the permit or approval was based.

D. The notice or revocation of the permit shall, in every instance, be in writing and shall be served upon the owner, his agent or the person having charge of the work. A revocation notice shall also be posted upon the building in question the Township Building Inspector. After the notice is received or posted, it shall be unlawful for any person to proceed with any operation for which such permit was issued. No part of the fees for such permit shall be returned.

SECTION XX. INTERPRETATION

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

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

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

SECTION XXI. VALIDITY

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

SECTION XXII. OIL AND GAS REGULATION

1. To maintain the health, safety and welfare of Gustavus Township residents, prior to commencement of drilling operations, registration with the Zoning Inspector of Gustavus Township is required. The Division of Mineral Resources of the State of Ohio (DMRM) has sole and exclusive authority to regulate permitting location and spacing of oil and gas wells in Ohio. There will be a non-refundable fee of \$125.00 payable to Gustavus Township for the required registration.

2. Separate registrations are required for each oil and gas well
3. All registrations shall include a site plan containing the owners' name, current address, current lot lines, proposed well site, storage tanks, access roads, location of building on the site (if any), and all appliances associated with the site. All registration shall include a copy of the DMRM permit
4. No person, firm or corporation shall, within the limit of Gustavus Township, drill a new oil or gas well, drill an existing oil or gas well any deeper, or re-open an oil or gas well, convert an oil or gas well to any other than its original purpose, or plug back an an oil or gas well to a source of supply different from the existing pool, without first completing the required registration
5. Exploration and/or extraction of oil or gas, and the operation of wells shall be allowed in all districts as permitted by the Division of Mineral Resources Management of the State of Ohio (DMRM)
6. All oil and gas wells, storage tanks and separator units shall not be place any nearer than two hundred (200) feet of right of way of a street or highway, or railroad track
7. Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by six (6) feet high chain link fence. All fences shall be kept in good repair until the well is abandoned and tanks have been taken out of service. All gates shall be padlocked. Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc., shall not be closer than seventy five (75) feet from any public right of way, fifty (50) feet from any property line two hundred (200) feet from any private dwelling house, or five hundred (500) feet from any potable water well
8. No more than two, two hundred ten (210) barrel oil tanks shall be permitted at an oil and or gas well site at any time. All oil and/or gas storage shall be considered an integral part of the well and therefore subject to the minimum site regulations set forth here and with Chapter 1501:09 of the Ohio Administrative Code and Chapter 1509 of the Ohio Revised Code
9. Access to all wells and all support structures shall be by way of a driveway which shall be constructed of slag, stone, asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation
10. The above referenced driveway shall have a culvert of sufficient diameter to carry all water coursing through the ditch, and shall be forty (40) feet long and a minimum of twelve (12) feet wide. The driveway must be a minimum of fifty (50) feet from roadway intersections and a minimum of fifteen (15) feet from lot lines

- II. All pipelines shall be buried a minimum of thirty (30) inches deep. Pipelines crossing shall be installed by the boring method, with a bore of at least three (3) feet below the flow lines of all ditches
12. No saltwater or other liquid waste shall be deposited on township roads or property. Prior to the surface disposal of salt water or other liquid waste on privately owned property within the township, the well owner shall obtain a Liquid Waste Disposal permit from the State Director of Environmental Protection. A copy of the liquid waste disposal plan shall be part of the registration with Gustavus Township
13. No loading or unloading of oil, water or other materials is to be made from the roadway. Blocking of the roadway is prohibited
14. The drilling sites shall be maintained in a neat and orderly condition and, so far as is practicable, all wheeled equipment is to be free of mud prior to entering the highway or road so that no deposit or debris is left on the highway or road
15. No cleat track vehicles are allowed on township roads, except in cases of emergency
16. To insure that a responsible person may be reached at any time in the event of an emergency, the name, address and telephone numbers of all well owners and all persons responsible for the maintenance and operation of each well located within the township's limits shall be kept on record with the township fire department prior to commencement of drilling operations
17. All pertinent emergency shut-off valves shall be painted red and shall indicate the direction for turning said valve on and off
18. After drilling and fracturing stages are completed, the site shall be graded and landscaped to closely resemble the pre-existing condition of the site

SECTION XXIII. DEFINITIONS

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

AN APARTMENT wherever mentioned in the resolution is a room or suite of rooms in an apartment house which room or suite of rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of a single family, individual, or group of individuals.

A SINGLE FAMILY DWELLING is a dwelling entirely detached and independent from other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family; and it shall consist of not less than twelve hundred (1200) square feet of floor area (exclusive of basements, porches, garages, utility rooms, breezeways, terraces and attics) in a single story dwelling.

A NON-CONFORMING USE for the purpose of this resolution is one that does not comply with the regulations established for the particular use district or zone in which it is situated.

AN ACCESSORY USE or "accessory building" for the purpose of this resolution is a use or building customarily incident to and located on the same lot with another use or building.

A HIGHER USE wherever mentioned in this resolution is a more restricted use and "lower use" is a less restrictive use.

A JUNK MOTOR VEHICLE junk motor vehicle being (1) three years old or older; (2) extensively damaged, such damage including but not limited to any of the following, missing wheels, tires, motor or transmission; (3) apparently inoperable, and (4) having a fair market value of fifteen hundred dollars (\$1,500.00) OR LESS.

A STRUCTURAL CHANGE wherever mentioned in this resolution means any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, excepting such structural changes as may be required for the safety of the building.

A SET BACK LINE wherever mentioned in this resolution is the distance between the front lot line in question and the nearest principal building line.

A SIGNBOARD OR "billboard" for the purpose of this resolution is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

The word "street", "road", "highway", or "lane" are for the purpose of this resolution considered to be synonymous and each is defined as public way, located, designed and dedicated for public use and usually abutting on the rear lot lines.

PORCH wherever mentioned in this resolution is a roofed upon structure projecting from the front, side or rear wall of the building.

STRUCTURE or "building" for the purpose of this resolution is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other support, whether such foundation, posts, piles, blocks, skids, sills or other support is or is not permanently located in, or attached to, the soil.

MANUFACTURED HOME a non-self propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the feral construction and safety standards established by the Secretary of Housing and Urban development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are 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. (ORC 4501.01). For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site completed and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

MOBILE HOME a non self-propelled building unit or assembly of closed construction that is fabricated to an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is three hundred twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

INDUSTRIALIZED UNIT means a building unit or assembly of closed construction fabricated in an off site facility, that is substantially self sufficient as a unity or as a part of a greater structure and the requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

LOT as used in the resolution shall be a parcel of land occupied by, or legally capable of being occupied by a principal building and the accessory building or buildings or uses customarily incident to it and to include such open yard areas as are required by this resolution and such further open areas that are herein permitted to be arranged and designed to be use in connection with such building.

FRONT LOT LINE or "front property line" or "property frontage" for the purpose of this resolution shall be construed to be coincident with the principal road line of a lot.

REAR LOT LINE or "rear property line" for the purpose of this resolution shall be the

property line opposite the front lot line as defined in the resolution. If a lot is not in the form of a rectangle but is irregular in shape there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the one side of said angle shall be in the front lot line and the line opposite said angle shall be the rear lot line.

A REAR YARD or “back yard” or “rear area” or “back area” for the purpose of this resolution is a space unoccupied by buildings or any structure of any type between the rear lot line and the building line nearest thereto on said lot.

A LINE OF A BUILDING or “building line” wherever mentioned in this resolution is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walks, which ever is nearer the lot line in question.

A SIDE YARD or “side area” for the purpose of this resolution is a space unoccupied by buildings between a side lot line and the building line nearest thereto on said lot.

A CORNER LOT for the purpose of this resolution is a lot, two side of which are bounded by margins of intersecting dedicated public highways.

A FAMILY wherever mentioned in this resolution is any number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and including domestic employees.

AN APARTMENT HOUSE wherever mentioned in this resolution is a complete permanent building arranged, designed, intended and constructed or reconstructed to be occupied by more than two families living independently of each other and doing their own cooking upon the premises, or by more than two families living independently but having a common heating system or a general dining room.

DRILLING OPERATIONS as used in Section XXII inclusive of the following resolution the term “drilling operation” shall include (but shall not be limited to): drilling a new well, drilling an existing well deeper, reopening a existing well, capping or plugging back a well, storing or disposing of oil, gas, or drilling waste products, laying of pipeline, removal of well drilling apparatus, storage tanks and support structures, and all other activities relating to the support and maintenance of the foregoing activities.

OPERATOR as used in Section XXII inclusive of the following resolution the term “operator” shall include (but shall not be limited to): the well owner, contractors, subcontractors, agents, assignees, employees and any other persons contractually bound to render services in the support and maintenance of drilling operations.

SECTION XXIV. AMENDMENT

AMENDMENT whenever the public necessity, convenience, general welfare, or good

zoning practices require, the Gustavus Township Board of Trustees may by resolution, after receipt of recommendation thereon from the Gustavus Township Zoning Commission, amend, supplement change or repeal the regulations, restrictions, and boundaries or classification of property. These amendments to the Gustavus Township Zoning Resolution shall be in accordance with the following procedures as specified and required in Section 519.12 of the Ohio Revised Code.

Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

The Board of Township Trustees may require that the owner or lessee of the property filing an application to amend the Zoning Resolution pay a fee therefore to defray the cost of advertising, mailing and other expense. If the Township Trustees require such a fee, it shall be required generally, for each application.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Township Zoning Commission shall set a date for public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

If the proposed amendment alters the text of the Zoning Resolution, or re-zones or redistrict more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, the nature of the proposed amendment and all other information as required in ORC Section 519.12 (D).

If the proposed amendment intends to re-zone or re-district ten (10) or less parcels of land, as listed on the County Auditor's current tax list, in addition to the published notice, a written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within the contiguous to, and directly across the street from such area proposed to be re-zoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. The published and mailed notices shall set forth the time, date and place of the public hearing, the nature of the proposed amendment and all other information as require in ORC Section 519.12 (C).

Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Trumbull County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval or 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.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or the approval of some modification thereof, and submit such recommendation together with such motion, resolution or application, the text and map pertaining thereto, and the recommendation of the Trumbull County Planning Commission thereon to the Board of Township Trustees. The written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not more than thirty (30) days from the date of receipt of such recommendation from the Township Zoning Commission. Notice of such hearing shall be given by the Board by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.

If the proposed amendment alters the text of the Zoning Resolution, or re-zones or re-districts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, the nature of the proposed amendment and all other information as required in ORC Section 519.12 (G).

If the proposed amendment intends to re-zone or re-district ten (10) or less parcels of land, as listed on the County Auditor's current tax list, in addition to the published notice, a written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to, and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. The published and mailed notices shall set forth the time, date and place of the public hearing, the nature of the proposed amendment and all other information as required in ORC Section 519.12 (F).

Revised this September 2011, at Gustavus, Ohio

Attest:

Gustavus Township Zoning Commission

Ken Wilson
Russell Miller
Robert Pykare
Michael Logan
Jeff Millard

Gustavus Township Trustees




Steve Ragalyi
Robert Phillips
Alan Bradford

Fiscal Officer

Laura Hall

GUSTAVUS

LEGEND

- STATE ROADS 
- COUNTY ROADS 
- TOWNSHIP ROADS 

-  INDUSTRIAL DISTRICT
-  BUSINESS DISTRICT

Unshaded Areas are Residential or Agricultural Districts

