

**ZONING  
RESOLUTION**

**JACKSON TOWNSHIP  
SENECA COUNTY, OHIO**

**Revised  
October 3, 2008**

**This printing supersedes all previous printings and copies**

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**ARTICLE I**  
**TITLES, AUTHORIZATION, PURPOSE AND ENACTMENT CLAUSE**

**101.00 LONG TITLE**

A resolution providing for the zoning of the unincorporated area of Jackson Township, Seneca County, Ohio by regulating the size, location, height, and use of buildings and structures, the area and dimensions of the unincorporated area of the Township into zones or districts of such number, size and shape as are deemed best suited to carry out said purposes and prescribing penalties and proceedings for the administration, and enforcement of this Resolution.

WHEREAS the Board of Trustees of Jackson Township, Seneca County, Ohio deems it in the interest of the public health, safety, morals, comfort and general welfare of said Township and it's residents to establish this general plan of zoning for the unincorporated areas of said Township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Jackson Township, Seneca County, Ohio:

**102.00 SHORT TITLE**

This Resolution shall be known as the Zoning Resolution of Jackson Township, Seneca County, Ohio.

**103.00 AUTHORIZATION**

This Resolution is authorized by Chapter 519 of the Revised Code of the State of Ohio.

**104.00 PURPOSE**

For the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land, and to facilitate adequate but economical provisions for public improvements, the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, trailer coaches and the use of land for trade, industry, residence, recreation or other purposes, and for such purposes have divided the unincorporated area of the Township into districts or zones as shown on the official Zoning Map of Jackson Township, Seneca County, Ohio.

**105.00 EFFECTIVE DATE**

This Resolution is effective on November 8, 1972.

## **ARTICLE 2 INTERPRETATION**

### **201.00      INTERPRETATION AND APPLICATION**

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

Whenever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, Ohio Revised Code, regulation, ordinances, or resolutions, the most restrictive, or that imposing the higher standard, shall govern.

### **202.00      VALIDITY AND SEPARABILITY**

It is hereby declared to be the legislative intent, that if any provisions of this Resolution or the application thereof to any zoning lot, building, or other structure, or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, or to be inapplicable to any person or situations, the effect of such legal decision shall be limited to the provision or provisions which are expressly addressed in the decision. All other provisions of this Resolution shall continue to be of full force and effect, and the application thereof to any other persons or situations shall not be affected.

## **ARTICLE 3 GENERAL REGULATIONS**

### **301.00 PURPOSE**

General Regulations shall apply to all districts. Where the requirements of a General Regulation and a district regulation differ, the more restrictive requirements shall prevail.

**301.01** A Zoning Permit must be obtained before excavation of a foundation or basement, erection of any structure requiring space on the ground, or change of use of land or space as stated in any zoning district; except as provided in Section 302.

**301.02** All zoning related fees shall be posted at the Jackson Township Meeting House, 10014 County Road 28, Jackson Township, Seneca County, Ohio

### **302.00 PERMITTED USES**

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes.

**302.01** Residential structures shall not be classified as “agricultural” in the enforcement of this resolution. Any attachments or additions to a residential structure shall require Zoning Permits.

**302.02** No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed, or arranged, for any purpose other than that specifically permitted in the district in which the building or land is located. The Board of Zoning Appeals may issue a Conditional Zoning Certificate for any of the conditionally permitted uses listed for each respective district.

### **303.00 PROHIBITED USES**

**303.01** No inoperable automotive vehicle, with or without parts removed, will not be permitted to stand and/or allowed to deteriorate on any premises, in any district except as provided in the Industrial District. Nothing herein shall prevent the parking or storing of a vehicle in a fully enclosed private garage or similar permanent structure.

**303.02 The following uses shall not be permitted in any zoning district:**

1. Use of coaches, bus bodies, vans, truck bodies, truck cabs, trailers, house trailers, mobile homes, manufactured homes, residential structures, boats and cars as a dwelling and/or for storage.
2. Except for normal accumulation in context with the use of premises, dumping, storing, burying, reducing, disposing of, or burning garbage, refuse, scrap metal, rubbish, offal, entrails, or dead animals is prohibited, unless done in accordance with other applicable law.

#### **303.03 Mobile Homes**

Mobile homes with a minimum of 800 sq. ft. interior space shall be subject to all regulations herein. A fee will be rendered at the time of said mobile home is moved in, and shall be continuously occupied within thirty days (30) thereof. After the thirty days (30) it will either be reoccupied or moved, but will not be used as storage or be stored on said property. Whether the mobile home has wheels connected to the frame or not, it shall be subject to all zoning laws and regulations concerning permits and licenses for mobile homes in Jackson Township.

### **303.04            Manufactured Homes / Housing**

Any manufactured home with a minimum of 800 sq ft interior space and less than ten (10) years old, shall be continuously occupied and have water and sewer service within thirty (30) days of its placement within Jackson Township. Manufactured home installation is subject to the permit application and fee requirements for all buildings not otherwise exempted herein.

- A. The Zoning Inspector shall not issue a building permit for a manufactured home unless said home is installed in accordance with the Ohio Manufactured Home Installation Standards
- B. The applicant must present proof of title to the manufactured home.
- C. The manufactured home, may not be more than ten (10) years old from the date of applying for a building permit.
- D. The applicant must provide the Zoning Inspector with a current Seneca County General Health District certificate that septic and water plans are acceptable, before the Zoning Inspector can issue said permit.
- E. Within (6) six months upon issuance of a zoning permit, all manufactured homes shall be skirted.

### **304.00        GENERAL LOT AREA REGULATIONS**

No parcel of land shall be reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

#### **304.01        Lot Area Exception For Existing Certain Substandard Lots**

No building or addition to a building shall be constructed within five (5) feet of any actual side property line, or within twenty (20) feet of any actual front property line, or recorded plot thereto.

#### **304.02        General Lot Area Per Five (5) Acres or More**

Any parcel of land containing five (5) acres or more will be required, upon subdivision at any time thereafter, to have a three (3) to one (1) depth / width ratio before a building permit is issued.

## **305.00 GENERAL YARD REQUIREMENTS**

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Resolution.

### **305.01 Yard For Single Building**

No required yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot where on a building is to be erected or established.

### **305.02 Yard Measurements**

- A. The minimum front yard depth shall be measured perpendicular from the street right-of-way line to the building setback line. Streets having no established right-of-way shall have such right-of-way established by classifying the streets in accordance with classifications in the subdivision regulations; or if such subdivision regulations do not exist, by assuming the street has a fifty (50) foot right-of-way, with the center of the traveled portion of the street being the center of the right-of-way. All front and side street yards shall be measured from the right-of-way lines so established.
- B. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure.
- C. Lots adjacent to more than one (1) street shall comply with the minimum front yard depths from all streets.

### **305.03 Clear View of Intersecting Streets**

In all zones which require a front yard, no obstruction or plantings in excess of three (3) feet in height shall be placed on any lot adjacent to more than one (1) street within a triangular area formed by the street property lines of the projected point of intersection of the street property lines and a line connecting points forty-five (45) feet from the intersection of the street property lines or the projected point.

### **305.04 Yard Exception Fences, Hedges , Walls, and Plantings**

Fences, hedges, walls and plantings in all districts are to be placed so that at maturity, the drip line of said fences, hedge, wall or planting falls upon and within the property of the owner. In all districts, except Industrial, fences and walls may be constructed to a maximum height of eight (8) feet in any required side or rear yard, and to a height of three (3) feet in any required yard abutting a street. Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.

### **305.05 Yard Exception - One Story Garages or Accessory Buildings**

One story private garages, or Accessory Buildings in residential districts which are one story detached private garages, or any other accessory building, may not be located less than five (5) feet from side and rear property lines. An accessory building which measures no more than twelve (12) feet by ten (10) feet may be erected without obtaining a zoning permit. It must conform to the property lines stated in the preceding paragraph and may not be attached to any existing structure.

### **305.06 Sale, Lease, or Use of Required Yard Space**

Space needed to meet the width, yard area, coverage, parking, or other requirements of this Resolution for a lot or building, shall only include that area not sold, leased, contracted, or otherwise legally or equitably held by a person or entity other than legal owner of the property under consideration.

**305.07 Abatement, Control, or Removal of Vegetation, Garbage, Refuse, and other debris**

- A.** A board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance.
- B.** At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

  - (1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance.
  - (2) If such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry. The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. The owner of the land or holders of liens of record upon the land may enter into an agreement with the board of township trustees providing for either party to the agreement to perform the abatement, control, or removal before the time the board is required to provide for the abatement, control, or removal under division (C) of this section.
- C.** If, within seven days after notice is given, the owner of the land fails to abate, control, or remove the vegetation, garbage, refuse, or debris, or no agreement for its abatement, control, or removal is entered into under division (B) of this section, the board of township trustees shall provide for the abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. All expenses incurred shall, when approved by the board, be paid out of the township general fund from moneys not otherwise appropriated.
- D.** The board of township trustees shall make a written report to the county auditor of the board's action under this section. The board shall include in the report a statement of all expenses incurred in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, as provided in division (C) of this section, including the board's charges for its services, notification, the amount paid for the labor, materials, and equipment, and a proper description of the premises. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land from the date of the entry, and shall be collected as other taxes and returned to the township and placed in the township general fund.

### **305.08 Yard Requirements for Fencing**

Any fence erected in any district shall not be constructed within three (3) feet of any propertyline.

## **306.00 HEIGHT EXCEPTIONS**

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein after established for the district in which the structure is located (excepting Residential Districts); except that: roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, sky lights, towers, steeples, stage lofts, and screened chimneys, smoke stacks, water tanks, and similar structures, may be erected so as not to exceed fifteen (15) feet beyond the height limits established for the district in which same is located; provided that (1) such additional structure shall not have a total area greater than twenty (20) percent of the remaining roof area of the building and (2) radio, television, and wireless aerials, or masts and flagpoles may be erected to any height, including within Residential Districts.

## **307.00 BUILDING REGULATIONS**

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the maximum height, accommodate a prohibited use or house a greater number of families, occupy a greater percentage of lot area, and have narrower or smaller rear, front, or side yards, than are specified herein for the district in which such building is located.

### **307.01 Principal Building**

No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in this Resolution.

### **307.02 Accessory Building**

An accessory building, unless directly attached to and made structurally a part of the main building, shall not be closer than five (5) feet to the main building.

### **307.03 Town House, Multifamily, and Commercial Development**

When more than one (1) townhouse, multifamily, commercial, or industrial building is located on one lot, the buildings shall be considered one (1) building for the purpose of determining front, side, and rear yard requirements.

### **307.04 Minimum Living Floor Area Per Family**

In all Districts, single family and two-family dwellings shall have a minimum floor area, for living purposes per family, of not less than eight hundred (800) square feet.

### **307.05 Frontage Required For Building**

No principal building shall be erected on a lot which does not have at least one property line immediately adjacent to at least one street.

### **307.06 Streets, Driveways and Thoroughfares**

All future streets, driveways, and thoroughfares, whether public or private, shall have a minimum right-of-way of fifty (50) feet. All turn arounds shall have a minimum radius of fifty (50) feet.

### **307.07 Accessory Buildings**

Any structure or object attached to the ground, or upon the ground, having a floor square footage in excess of one hundred twenty (120) sq. ft. and not otherwise attached to anything else, shall require a building permit.

### **307.08 Projections and Decks**

Open sided structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall not project beyond setback lines or into the required minimum front, side or rear yard areas. Eaves and gutters, up to a maximum of two (2) feet, shall be exempt from this rule.

## **308.00 USES NOT SPECIFICALLY CONTROLLED BY DISTRICT REGULATIONS**

### **308.01 Official Notices Exempt**

This Resolution shall not apply to signs established by any court or public body exclusively for legal or official notice, directional warning, or to publicize information, or other related legal purpose(s).

### **308.02 Temporary Buildings**

Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures or uses and shall not remain on the property in excess of six (6) months. An additional extension of six months may be granted upon application to the Board of Zoning Appeals. A zoning permit shall be required for temporary buildings. Temporary buildings do not have to meet the minimum square footage requirements as described in Section 307.

### **308.03 Surface of Parking Lots**

Off-street parking shall be surfaced and maintained with a durable and dustless surface consisting of oiled, crushed gravel, asphalt or concrete, and shall be so graded and drained as to dispose of all surface water. In no case shall drainage be permitted across sidewalks. Surfacing and drainage shall be subject to approval by the Zoning Inspector or other competent authority that the Zoning Inspector may designate.

### **308.04 Storm Water Drainage**

Provisions for adequate drainage of storm water shall be a part of all plans submitted for the use of land in all Districts. The drainage plan will be reviewed by the Zoning Inspector or other competent authority the Zoning Inspector may designate.

## **309.00 ANNEXATION**

All property annexed by a municipality shall be regulated by the zoning regulations which govern the property prior to annexation, until the legislative authority of said municipal corporation officially adopts zoning regulations for such territory and passes an Ordinance extending the corporate line to include such annexed property..

## **310.00 ESTABLISHMENT OF DISTRICTS**

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the community, the following districts are hereby established: Rural Residential District, Suburban Residential District, RM Multi-Family Residential District, Highway Commercial District, General Commercial District, Industrial District, and Commercial Recreation Areas.

- A. Where district boundaries are indicated as approximately following lot lines, these lot lines shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately parallel to the center lines or right-of-way lines of streets, the center lines or right-of-way alley lines, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

### **311.00 ZONING DISTRICTS MAP**

The districts established in Section 310 are bounded and defined as shown on a map entitled Zoning Districts Map of Jackson Township, Seneca County, Ohio , and said map with all the notations, references, and other pertinent material shown thereon, are hereby declared part of this resolution.

### **312.00 INTERPRETATION OF DISTRICT BOUNDARIES**

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

- A. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, center lines or right-of-way lines of highways, such lines shall be construed to be the district boundaries.

## **ARTICLE 4**

### **DISTRICT REGULATIONS**

#### **401.00 RURAL RESIDENTIAL DISTRICT**

##### **401.01 PURPOSE**

The purpose of this district is to accommodate single family rural residential development in areas not served by central water and/or central sanitary sewer facilities and where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density of population.

##### **401.02 USES**

###### **A. Permitted Uses**

1. Single-Family Dwellings.
2. Accessory buildings incidental to the principal use.

###### **B. Conditionally Permitted Uses**

1. Private or governmentally owned and/or operated park, playground, or golf course subject to Article 7, Section 703.02, Subsections 102, 103, 104, 105, 106, 107, and 115.
2. Cemetery subject to Article 7, Section 703.02, Subsections 102 and 104.
3. Churches and other buildings for the purpose of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
4. Public Utility or governmentally owned and/or operated buildings or facilities subject to Article 7, Section 703.02, Subsections 102, 109, 110, and 112.
5. Strip mining, soil removal, and gravel extraction operations subject to Article 7, Section 703.02, Subsections 110, 111, 113, 114, and 115.
6. Oil and gas drilling and operations necessary for their extraction and skimming subject to Article 7, Section 703.02, Subsections 112, 113, 114, and 115.
7. Home occupations subject to Article 7, Section 703.02, Subsection 116.
8. Mobile Home Parks subject to Article 7, Section 703.02, Subsection 112.
9. Single family dwellings existing prior to the adoption of this Resolution may be converted to two-family dwellings consisting of a minimum of 800 square feet of living space per family, without changing the existing foundation.

##### **401.03 Lot Requirements Per Dwelling Unit**

- A. Minimum Lot Area, forty three thousand, five hundred sixty ( 43,560) sq ft (one- 1 acre).
- B. Minimum Lot Width at Front Yard Setback Line, one hundred (100) feet.
- C. Minimum Lot Frontage at the Street Right-of-way Line, fifty (50) feet.

##### **401.04 Yard Requirements**

- A. The minimum front yard depth shall be ninety (90) feet from the center of the traveled portion of the road.
- B. The minimum rear yard depth shall be fifty (50) feet.
- C. The minimum side yard width on each side shall be twenty (20) feet.

## **402.00 SUBURBAN RESIDENTIAL DISTRICT**

### **402.01 Purpose**

The purpose of this district is to accommodate existing built up areas, or areas served by central sewage disposal facilities.

### **402.02 Uses**

#### **A. Permitted Uses**

1. Single-family dwellings.
2. Accessory buildings incidental to the principal use.

#### **B. Conditionally Permitted Uses**

1. Private or governmentally owned and/or operated park, playground, or golf course subject to Article 7, Section 703.02, Subsections 102, 103, 104, 105, 106, 107, and 115.
2. Churches and other buildings for the purpose of religious worship, and cemeteries subject to Article 7, Section 703.02, Subsections 102 and 104.
3. Public Utility, parochial schools, or governmentally owned and/or operated buildings or facilities subject to Article 7, Section 703.02, Subsections 102, 109, 110, and 112.
4. Single family dwellings existing prior to the adoption of this Resolution may be converted to two-family dwellings, consisting of a minimum of 800 square feet of living space per family, without changing the existing foundation.
5. Home occupations subject to Article 7, Section 703.02, Subsection 116.

### **402.03 Lot Requirements**

- A. Minimum lot area - Eleven Thousand (11,000) sq ft
- B. Minimum lot width at street right-of-way - Thirty-five (35) feet (frontage)
- C. Minimum lot width at front yard setback line - Sixty (60) feet

### **402.04 Yard Requirements**

- A. Minimum Front Yard depth - Fifty (50) Feet
- B. Minimum Rear Yard depth - Forty (40) Feet
- C. Minimum Side Yard width on each side - Ten (10) feet

### **402.05 Maximum Building Height - Thirty-five (35) feet**

## **403.00 RM MULTIFAMILY RESIDENTIAL DISTRICT**

### **403.01 Purpose:**

The purpose of this district is the development of multifamily dwellings, and planned neighborhoods having a variety of dwelling types. Public or community water supply and sewage disposal facilities are required in high density development of this type.

## **403.02            Uses**

### **A. Permitted Uses**

1. Multifamily dwellings of 3 or more dwelling units.
2. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
3. Single family dwellings subject to Article 4, Subsection 402.03, 402.04 and 402.05.
4. Two-family dwellings subject to Article 4, Subsection 402.03, B-3.

### **B. Conditionally Permitted Uses**

1. Private or governmentally owned and/or operated park, playground, or golf course subject to Article 7, Section 703.02, Subsections 102, 103, 104, 105, 106, 107, and 115.
2. Cemetery subject to Article 7, Section 703.02, Subsections 102 and 104.
3. Churches and other buildings for the purpose of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
4. Public Utility, Parochial Schools, or governmentally owned and/or operated buildings or facilities subject to Article 7, Section 703.02, Subsections 102, 109, 110, and 112.
5. Home Occupation subject to Article 7, Section 703.02, Subsection 116.
6. Hospital, sanitarium, convalescent home, nursing home, child day care center, and home for the aged subject to Article 7, Section 703.02, Subsections 101, 102, 103, 104, 106, 108.

## **403.03            Lot Requirements For Multi-Family Dwelling**

- A. Minimum Lot Area - Twenty thousand (20,000) square feet for the first three dwelling units. Two thousand (2,000) square feet additional area for each dwelling unit over three units.
- B. Minimum Lot Width at Front Setback - Two hundred (200) feet.
- C. Minimum Lot Frontage - Eighty (80) feet
- D. Usable Open Space - Twenty per cent (20% ) of lot area must be devoted to usable open space excluding parking areas, walks, drives, and service facilities.

## **403.04            Yard Requirements For Multi-Family Dwellings**

- A. Minimum Front Yard depth - Ninety (90) feet from center of traveled portion of road.
- B. Minimum Rear Yard depth - Fifty (50) feet.
- C. Minimum Side Yard width on each side - Twenty-five (25) feet.

## **403.05            Maximum Building Height - Thirty-five (35) feet.**

## **404.00 HIGHWAY COMMERCIAL DISTRICT**

### **404.01 Purpose:**

The purpose of this district is to provide for highway oriented businesses.

### **404.02 Uses**

#### **A. Permitted Uses**

1. Single family and two-family dwellings subject to Article 4, Subsections 402.03, 402.04, and 402.05.
2. Multifamily dwellings subject to Article 4, Subsections 403.03, 404.04, and 404.05.
3. Motels and other commercial overnight accommodations, carding and rooming houses.
4. Restaurants, drive-in restaurant.
5. Clubs with or without entertainment.
6. New and used car, truck, or farm implement sales and service or rental.  
(Cars in operable condition only.)
7. Automobile gasoline or service station.
8. Mobile Home Parks as well as Mobile Home Sales and Service.
9. Auto wash.
10. Bowling lanes, skating rinks, miniature golf courses.
11. Drive-in theatres, indoor theatres.
12. Lumber, coal, builder's supply yards and stores.
13. Veterinary hospitals and/or kennels.
14. Hospital, sanitariums, convalescent home, nursing home, child day care center, and home for the aged.
15. Similar main uses.
16. Accessory buildings or structures incidental to the principal use which do not include any activity conducted as a separate business.

#### **B. Conditionally Permitted Uses**

1. Church and other buildings for the purpose of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
2. Public Utility, parochial schools, or governmentally owned and/or operated buildings or facility subject to Article 7, Section 703.02, Subsections 110 and 112.

### **404.03 Lot Requirements**

- A. Minimum Lot Area - Twenty thousand (20,000) square feet
- B. Minimum Lot Width at the Front Yard Setback Line - One hundred (100) feet
- C. Minimum Lot Frontage at street right-of-way line. - Fifty (50) feet.

### **404.04 Yard Requirements**

- A. Minimum Front Yard Depth- Ninety (90) feet from center of traveled portion of road.
- B. Minimum Rear Yard Depth - Twenty (20) feet.
- C. Minimum Side Yard Width on each side - Ten (10) feet.
- D. Side Yards and Rear Yards - Adjacent to residential districts shall meet the side and rear yard requirements of the adjacent district.

### **404.05 Maximum Building Height - Thirty-five (35) feet.**

## **404.06                    Supplementary Regulations**

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan showing the site layout including the locations and dimensions of vehicular and pedestrian entrances, driveways, walkways, and the vehicular circulation patterns to and from the site, store, locations and dimensions, off-street parking spaces, landscaped yards, and the locations, type and lighting of signs shall be submitted to, and approved by the Seneca County Regional Planning Commission, before a zoning certificate is issued by the Zoning Inspector herein

The approval of the site plan shall be required whenever two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial structures may be built to best advantage by using common wall construction.

## **405.00        GENERAL COMMERCIAL DISTRICT**

### **405.01                    Purpose**

The purpose of this district is to encourage groupings of retail stores and personal and professional services.

### **405.02                    Uses**

#### **A. Permitted Uses**

1. Establishment engaged in the retail trade of:
  - a. Single family and two-family dwellings subject to Article 4, Subsections 402.03, 402.04 and 402.05.
  - b. Multifamily dwellings subject to Article 4, Subsections 403.03, 403.04, 403.05.
  - c. Apparel.
  - d. Office supply, art goods and books.
  - e. Beverages.
  - f. Drugs.
  - g. Food.
  - h. Hardware.
  - i. Sporting goods, toys and similar specialty stores
  - j. Appliances.
  - k. Variety and departments stores.
  - l. Similar main uses.
2. The following retail services
  - a. Restaurants
  - b. Soda fountains
  - c. Laundry and dry cleaning
  - d. Barber shops
  - e. Beauty shops
  - f. Shoe repair shops
  - g. Banks
  - h. Business offices
  - i. Medical offices
  - j. Meeting halls and auditoriums
  - k. Specialty schools such as dancing and music
  - l. Similar main services
3. Accessory buildings incidental to the principal use.

**B. Conditionally Permitted Uses**

1. Church and other buildings for the purpose of religious worship subject to Article 7, Section 703.02, Subsections 102 and 104.
2. Public Utility, parochial schools, or governmentally owned and/or operated buildings or facility subject to Article 7, Section 703.02, Subsections 110, and 112.
3. Gasoline station, subject to Article 7, Section 703.02, Subsection 117.
4. Mobile Home Park, subject to Article 7, Section 703.02, Subsection 112.

**405.03 Lot Requirements**

- A. Minimum lot area - Twenty thousand (20,000) square feet.
- B. Minimum lot width at the Front Yard Setback Line - One hundred (100) feet.
- C. Minimum Lot Frontage at Street Right-of-Way - Fifty (50) feet.

**405.04 Yard Requirements**

- A. Minimum front yard depth - Ninety (90) feet from the traveled portion of the road.
- B. Minimum rear yard depth - Ninety (90) feet from the traveled portion of the road.
- C. Minimum side yard width on each side - Ten (10) feet.
- D. Side yards and rear yards - Adjacent to residential districts shall meet the side and rear yard requirements of the adjacent residential district.

**405.05 Maximum Building Height: - Thirty-five (35) feet.**

**405.06 Supplementary Regulations**

The grouping together of commercial uses into commercial centers is encouraged. In order to minimize traffic congestion, control driveway approaches to public streets, provide for fire protection, and to protect the surrounding residential areas from adverse activities, a site plan showing the site layout including the locations and dimensions of vehicular and pedestrian entrances, exits, driveways, walkways, and the vehicular circulation patterns to and from the site, store locations and dimensions, offstreet parking spaces, landscaped yards, and the location, type and lighting of signs shall be submitted to, and approved by the Seneca County Regional Planning Commission, before a zoning certificate is issued by the Zoning Inspector herein.

The approval of the site plan shall be required whenever two or more commercial uses are to be placed upon a parcel of land under the same ownership, or where two or more commercial structures may be built to best advantage by using common wall construction.

## **406.00 INDUSTRIAL DISTRICT**

### **406.01 Purpose**

The purpose of the industrial district is to provide for:

1. Certain non-retail commercial uses
2. Warehousing and storage
3. Manufacturing, assembling, and fabricating activities.

### **406.02 Uses**

#### **A. Permitted Uses**

1. Uses permitted in the Highway Commercial District and the General Commercial District.
2. Warehousing, wholesale establishments and trucking facility.
3. Administrative offices.
4. Single family and two family dwellings subject to 401 .03 & 401.04.
5. Multifamily dwellings subject to 403.03, 403.04, & 403.05.

#### **B. Conditionally Permitted Uses**

1. All conditional uses permitted in the General Commercial District and subject to the same conditions.
2. Manufacturing, processing, cleaning, servicing, testing, or repairs of materials, goods, or products which will not be materially injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, water pollution or other particular matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat. In the interests of the community and other industries within the Industrial District, the Zoning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
3. Sanitary landfill site subject to Article 7, Section 703.02, Subsection 117.
4. Junk yards subject to Article 7, Section 703.02, Subsections 109, 110, and 112
5. Outdoor storage may be permitted, provided the area used for storage is located in the rear yard and is in an enclosed structure or wall six (6) feet in height. No materials shall be stored in such a manner as to project above the wall with the exception of vehicles and mechanical equipment.

### **406.03 Lot Requirements**

- A. Minimum Lot Area - Forty thousand (40,000) square feet
- B. Minimum Lot Width at Front Yard Setback line - One hundred fifty (150) feet
- C. Minimum Lot Frontage - Sixty (60) feet.

**406.04            Yard Requirements**

- A. Minimum Front Yard Depth - Ninety (90) feet from center of traveled portion of the road.
- B. Minimum Rear Yard Depth - Twenty (20) feet.
- C. Minimum Side Yard with Side Yards and Rear Yards adjacent to Residential Districts One Hundred (100) feet from the Residential District and may be used for Off-Street Parking.

**406.05            Maximum Building Height:**            None

**407.00    COMMERCIAL RECREATION AREAS**

**407.01            Purpose**

The purpose of this district is to provide for commercially operated outdoor recreation areas. Conditional use permits for commercial recreation facilities may be granted by the Board of Appeals in any zoning district. Tracks or competitive courses for motorized vehicles shall not be permitted.

**407.02            Conditionally Permitted Uses**

Vacation Farms  
Ranches  
Archery courses  
Riding Stables and Bridle Paths  
Shooting Preserves  
Fishing Ponds  
Picnic Areas  
Golf Courses (excluding miniature)  
Golf Driving Ranges  
Swimming Areas  
Vacation Camp Grounds and Camping Trailer Parks  
Similar Uses and accessory Uses

**407.03            Requirements**

All conditionally permitted uses shall be subject to Article 7, Sections 701; 702. 703, 703.01, Subsection 102, 103, 104, 105, 106, 108, and 109. Vacation Campgrounds and camping trailer parks shall also meet the conditions of Subsection 120

## **ARTICLE 5**

### **PARKING AND LOADING REGULATIONS**

#### **501.00 OFF-STREET PARKING AND LOADING REGULATIONS**

In all zoning districts, off-street parking facilities for the storage and/or parking of motor vehicles for use of occupants, employees, and patrons of buildings, erected, altered, or extended after the effective date of the Resolution, shall be provided and maintained as herein prescribed.

- A. Whenever a use requiring off-street parking is increased in floor area, additional parking space shall be provided in the amounts hereafter specified for that use ( if the total parking space does not meet the minimum area to serve the increased floor area).
- B. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking shall be within three hundred (300) feet of the building intended to be served. An industry which employs one hundred (100) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from such industry upon approval of the zoning commission.
- C. The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for uses of a similar nature.
- D. Collective off-street parking facilities may be provided; however, such facilities shall contain as many spaces as would otherwise be individually required for each person or entity
- E. The amount of off-street parking space required for uses, buildings or additions thereto shall be determined according to the requirements of Section 501.01.
- F. Parking lots, or areas adjacent to public streets, shall have driveways or openings less than twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line and said lots shall be so designed such that all vehicles leaving the facility will be traveling forward at a 90 degree angle to approaching traffic.
- G. Detailed plans shall be submitted to the Seneca County Engineer for approval of all cuts or driveway openings in commercial and manufacturing districts before a building permit may be obtained .
- H. Entrance drives, exit drives, driveways, or maneuvering areas, shall not be computed as any part of a required parking lot or area.
- I. Off-street parking and loading regulations for commercial and industrial districts are as follows:
  - 1. Any vehicle parking space in a commercial or manufacturing district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment by another for the use of such space, shall be deemed a separate commercial use in violation of the provisions of this Code.
  - 2. No building or structure of any kind shall be erected in any off street parking space, except a parking garage containing parking spaces equal to the requirements of this section or a booth for the parking lot attendant or guard.

3. The vehicle parking space on any lot, as set forth and designated in this Resolution may be deemed to be the required open space on such lot.
4. All parking spaces, drives, and aisles shall be surfaced with a bituminous or other dust free surface and maintained in a condition conducive to public use

**501.01 Required Space**

1. Dwelling Units - Single family and two-family dwelling units - Two (2) parking spaces for each dwelling unit. Multifamily dwelling units - two (2) parking spaces for each dwelling unit.
2. Rooming houses, lodging houses, boarding houses - One (1) parking space for each guest room plus two (2) spaces for the permanent occupant.
3. Hotels, motels, tourist homes, or cabins - One (1) parking space for each one (1) sleeping room.
4. Mobile home park - Two (2) parking spaces adjacent to each mobile home site.
5. Business, professional offices, and banks - One (1) parking space for each one hundred fifty (150) square feet of floor area, excluding basement and hallways.
6. Office buildings - One (1) parking space for each two hundred (200) square feet of floor area, excluding basement and hallways.
7. Medical, dental offices, and clinics - Five (5) parking spaces for each physician or dentist plus one (1) for each employee.
8. Funeral homes and mortuaries - Twenty-five (25) parking spaces.
9. Retail stores, super markets, etc. - One (1) parking space for each one hundred (100) square feet of floor area.
10. Furniture and appliance stores, builders supply stores, showroom of plumbers, decorator, electrician, or similar trades, shoe repair, and other similar uses - One (1) parking space for each eight hundred (800) square feet of floor area.
11. Motor vehicles sales and service - One (1) parking space for each four hundred (400) square feet of floor area of sales room and one (1) additional parking space for each auto service stall in the service room.
12. Auto service station - Eight (8) parking spaces.
13. Beauty parlors and barber shops-Two (2) parking spaces for each beauty or barber shop chair.
14. Laundromat - One (1) parking space for each two (2) washing machines.
15. Restaurants - One (1) parking space per three (3) seats of seating capacity.

**501.01 (continued)**

16. Establishments for the Sale and Consumption on the Premises of foods, beverages, or refreshments one (1) parking space per two (2) seats of seating capacity.
17. Theatres - One (1) parking space for each four (4) seats.
18. Dance halls, skating rinks, private clubs, and other assembly halls without fixed seats - One (1) parking space per one hundred (100) square feet of floor area.
19. Bowling alleys - Four (4) parking spaces for each alley plus one (1) for each two (2) employees.
20. Wholesale establishments - One (1) parking space for each employee.
21. Industrial establishments - One (1) parking space for each total number of employees on any two consecutive shifts having the largest number of employees.
22. Auditorium, stadium, and similar uses - One (1) parking space for each four (4) seats based on maximum seating capacity.
23. Churches - One (1) parking space for each four (4) seats in principal auditorium based on maximum seating capacity.
24. Clubs, lodges, and fraternity houses - One (1) parking space per two hundred (200) square feet of floor space or one (1) parking space per four (4) seating spaces in the assembly room, whichever is greater.
25. Golf clubs, swimming clubs, and similar uses - One (1) parking space for each five (5) members.
26. Libraries and museums - One (1) parking space for each five hundred (500) square feet of floor area.
27. Hospitals - One (1) parking space for each two (2) beds.
28. Sanitariums, children's homes, convalescent homes, - One (1) parking space for each Six (6) beds.
29. Elementary and junior high schools - One (1) parking space for each teacher, employee, or administrator.
30. Senior high schools - One (1) parking space for each teacher, employee, or administrator, and one (1) for each ten (10) students.
31. Colleges and universities, or technical training centers - One (1) parking space for each one point five (1.5) students and one (1) for each teacher, employee, or administrator present during daytime operation.
32. In all commercial districts a minimum area of two hundred (200) square feet per car shall be used in computing the area to be used for parking, excluding drive ways

## **502.00     REQUIRED OFF-STREET LOADING SPACE**

On the same premises with every building structure, or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance, for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor area or land for the above mentioned purposes.

## **ARTICLE 6 SIGN REGULATIONS**

### **601.00 PURPOSE**

The purpose of sign regulations is to control the location and size of signs used in outdoor advertising within the limits established in the Ohio Revised Code, Section 519.20 which recites that: "Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes".

### **602.00 SIGNS ON LAND USED FOR AGRICULTURAL PURPOSES OR ON LANDS IN A HIGHWAY COMMERCIAL DISTRICT OR GENERAL COMMERCIAL DISTRICT**

Signs on land used for agricultural purposes, or in a Highway Commercial District or General Commercial District shall be considered a business or trade use and be required to maintain the same set-back, side-yard, rear yard and height requirements as commercial uses and structures in a Commercial District. These requirements are set forth in Article 4, Section 404, Subsections 404.04 and 404.05, and Section 405, Subsection 405.04 and 405.05. Exceptions to this are:

- A. One non-illuminated sign advertising the sale, rental or lease of the property or building, not exceeding eight (8) square feet in area on any lot.
- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One non-illuminated sign with a surface area not exceeding twenty-four (24) square feet which denotes the name of occupant on each lot on which a dwelling unit is located.
- D. One sign with a surface area not exceeding twelve (12) square feet, which identifies the use of the premises for each of the following types of conditionally permitted uses in the Commercial and Residential Districts.
  - 1. Cemetery.
  - 2. Church and other places of religious worship.
  - 3. Private or governmentally owned and/or operated park, playground, and golf course, and riding academy.
  - 4. Institutions for medical care, hospital, clinic, convalescent home, sanitarium, home for the aged, nursing home, and philanthropic institution and child care center.
  - 5. One non-illuminated temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located at least twenty-five (25) feet from the street right-of-way line.

### **603.00 LAND IN A RESIDENTIAL DISTRICT NOT USED FOR AGRICULTURAL PURPOSES**

Only the following types, sizes and location of signs shall be permitted in Residential Districts not used for Agricultural purposes:

- A. One non-illuminated sign advertising the sale, rental, or lease of the property or building not exceeding eight (8) square feet in area on any lot.

- B. Signs incidental to the legal process and necessary to the public safety and welfare.
- C. One non-illuminated accessory sign with a surface area not exceeding twenty-four (24) square feet which denotes the name of occupant on each lot on which a dwelling unit is located.
- D. One sign with a surface area not exceeding twelve (12) sq ft, which identifies the use of the following:
  - 1. Cemetery.
  - 2. Church and other places of religious worship.
  - 3. Private or governmentally owned and/or operated park, playground, golf course, and riding academy.
  - 4. Institutions for medical care, hospital, clinic, convalescent home, sanitarium, home for the aged, nursing home, philanthropic institutions and child care centers.
  - 5. Governmentally owned and/or operated building or facility.
- E. One non-illuminated temporary real estate sign advertising the development of the premises upon which it stands or the opening of a new subdivision development where such sign is located. Real estate signs shall have a surface area not exceeding fifty (50) square feet and such signs shall be located at least twenty-five (25) feet from the street right-of-way line.
- F. Signs used for political purposes shall be permitted to be in use for a period of no longer than two (2) months prior to elections, and will be taken down no later than two (2) weeks after elections. When installing the sign, it will not be permitted to obstruct one's view, in relation to the highway use and safety thereto when elections are over all political signs shall be out of public view.

#### **604.00 INDUSTRIAL DISTRICTS**

Any sign permitted in any Commercial Districts shall be permitted in Industrial Districts.

#### **605.00 SUPPLEMENTARY REGULATIONS**

All signs and boards are subject to the following regulations:

- A. No sign or billboard shall be erected closer than fifty (50) feet to any intersection, with the exception of those signs incidental to the legal process and necessary to the public welfare, or those business signs attached to a building or structure.
- B. All signs and billboards erected within two hundred (200) feet of any intersection must be erected so as to not obstruct traffic sight lines at street intersections or railroad grade crossings.
- C. No sign or billboard shall be located in, or project over, a public right-of-way.
- D. Any sign or billboard illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) shall not duplicate in the electric light of such sign any colors appearing in traffic control signals.
- E. Signs or billboards visible from a street or highway shall not contain words as "stop" "go" "slow" or symbols which may resemble highway traffic or directional signals.

## **ARTICLE 7**

### **CONDITIONAL USE CERTIFICATES**

#### **701.00 PURPOSES**

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, and are dependent upon the functional characteristics of the use, competitive situations, and availability of land. Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each conditionally permitted use as it relates to location; design, size, method of operation, and intensity of land use; which in turn, effects the volume of traffic generated, traffic movement, concentration of population, and kinds of public facilities and services required. Land and structure use possessing these particularly unique characteristics are designated as Conditional Zoning Certificates with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

#### **702.00 PROCEDURES FOR MAKING APPLICATION**

An application provided on the form supplied by the Zoning Inspector shall be fully completed and submitted to the Zoning Inspector and shall contain the following information:

1. A site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale, showing the location of all abutting streets, location of all existing and proposed structures, and types of buildings proposed and use of buildings proposed.
2. The fee for a Conditional Zoning Certificate shall be established by the Board of Trustees. The Zoning Inspector may confer with qualified consultants when he/she deems expert advice necessary in evaluating the application.

##### **702.01\* Review by Inspector**

The Zoning Inspector shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this zoning resolution. Such review shall be completed within forty-five (45) days of the application date. The Zoning Inspector shall determine if the application meets all requirements of the Conditional Zoning Certificate, and make that determination public by placing it in his/her monthly report to the Board of Trustees. If the application is determined to meet all requirements, the Zoning Inspector shall issue a Conditional Zoning Certificate. If the Inspector denies the application the applicant may appeal his/her decision to the Board of Zoning Appeals as provided in section 702.02.

**\*Sections 702.01, 702.02, 702.03, 702.04, 703, 703.01 Amended October 6, 2005**

#### **702.02                   Hearing**

A Conditional Zoning Certificate applicant may appeal, the denial of the application by the Zoning Inspector, to the Board of Zoning Appeals. After adequate review and study of the application by the Board of Zoning Appeals, the Board will hold a public hearing after at least one (1) publication in a newspaper of general circulation, at least ten (10) days prior to the date of the hearing. Such notices shall indicate the place and time and the subject of the hearing. The Board may affirm the Inspector's decision, reverse the decision, or continue the hearing for a reasonable time in order for the Board to consult with experts. If the decision is reversed, the Board of Zoning Appeals through its Secretary will issue a Conditional Zoning Certificate to the applicant.

#### **702.03                   Reapplication**

An application for a Conditional Zoning Certificate which has been denied wholly or in part by the Board of Zoning Appeals shall not be resubmitted until the expiration of one (1) or more years from the date of such denial, except that the Board of Appeals, by unanimous vote, may agree to review same earlier, at its discretion.

#### **702.04                   Issuance and Revocation of Conditional Zoning Certificate**

Only upon conclusion of hearing procedures relative to a particular application may the Board of Zoning Appeals issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement subsequent to issuance of said Conditional Zoning Certificates, whether issued by the Zoning Inspector or the Zoning Board of Appeals, shall automatically constitute a violation of this Zoning Resolution. Such violation shall be punishable as specified in Section 10.

### **703.00       STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES**

The Zoning Inspector or the Zoning Board of Appeals, in the case of an appeal, shall establish beyond a reasonable doubt that both the general standards and the specific requirements to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use.

#### **703.01                   General Requirements**

The Zoning Inspector / Zoning Board of Appeals, shall review the particular facts and circumstances of each proposed use in terms of the following standards, and shall also require, as conditions for approval, a guarantee that all conditions will be fulfilled upon issuance of the Conditional Use Permit so that the purposes and intent of this resolution are continually adhered to.

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan established by the Zoning Resolution herein.
- B. 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 a use will not change the essential character of the surrounding area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
- E. Will be served adequately by essential public facilities and services.

- F. Will be in compliance with the subdivision regulations, the Board of Health Standards, and the Building Code if there are any such requirements, and other applicable rules, codes, and laws of the township, county, state, and federal government
- G. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding streets or roads within the vicinity of the proposed use.

## **703.02                    Specific Requirements**

101. Sanitariums, convalescent homes, nursing homes, and homes for the aged shall have a net residential density which shall not exceed three (3) times the number of single family dwellings to meeting the district lot sizes on the same size parcel of land.

102. All structures, except minor structures such as utility poles and meters and activity areas, shall be located at least fifty (50) feet from all property.

103. Noise emanating from speakers which cause a hazard or annoyance shall not be permitted.

104. All points of entrance or exit shall be located no closer than one hundred (100) feet from the intersection of two streets.

105. There shall be no more than one directional, identifying sign, oriented to each abutting road identifying the activity.

106. No lighting shall be so illuminating or positioned that it constitutes a nuisance, nor shall in anyway impair safe movement of traffic on any street or highway.

107. The use shall not require extensions of utility services at expense to the community.

108. Site locations that offer natural or man-made buffers that lessen the effect of the intrusion of the use should be selected and will be preferred.

109. A fence eight (8) feet in height shall enclose the operation where there is a safety hazard.

110. Plans shall be submitted indicating the proposed stages of operation and the future uses or rehabilitation to be carried out on the site. A bond or bonds may be required to be posted at the Jackson Township meeting house guaranteeing that the above plans will be carried out.

111. All facilities and equipment such as derricks, pumps, tanks etc., shall be enclosed or fenced off where their operation creates a potential safety hazard.

112. All areas shall be rehabilitated progressively as they are worked out and left in a condition entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground to form so as to appear reasonably natural. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

**703.02 (continued)**

113. Routes for truck movement shall be established and followed in such a way that traffic and other hazards and damage to other properties shall be minimized.

114. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual or to the community in general. A bond may be required to insure that this provision will be met.

115. Subject to the following conditions:

- a. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
- b. The use shall be conducted by the occupant with no employees.
- c. The use shall be carried on entirely within the dwelling or in an accessory building which shall not exceed six hundred (600) square feet in area.
- d. A home occupation shall not occupy more than thirty (30) per cent of the floor area of the dwelling.
- e. The use shall not constitute primary or essential storage facilities for a business, industrial, or agricultural activity conducted on a property having a different permanent parcel tax I.D. number established by the Seneca County Auditor.
- f. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
- g. For purposes of identification of a home occupation, there shall be no more than one (1) non-illuminated sign not to exceed two (2) square feet in area.
- h. The proposed use shall not generate noise, odor, dust, smoke, electromagnetic interference, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood or area in which the proposed use is located.

116. The use shall be permitted under the following conditions:

- a. For the purpose of servicing motor vehicles under one and one half (1 1/2) tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, sparkplugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle.
- b. All activities, except those traditionally performed outside, such as fueling, or washing a car shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within a building.
- c. No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare, nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty (30) feet in width at the property line.

**703.02 (continued)**

- d. If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable.
- e. At least a six (6) inch pedestrian safety curb shall be installed along all street lines except at driveway approaches.

117. The use shall be permitted under the following conditions:

- a. All sanitary landfill sites shall be subject to approval by the Seneca County General Health District, EPA, and such local, state, and federal agencies having jurisdiction over same.
- b. A photographic map showing the design of the sanitary landfill site at a scale of not over two hundred (200) feet to the inch, and with five (5) foot intervals, shall be submitted with the application.
- c. The applicant shall submit information describing the geological characteristics of the site.
- d. The site shall be limited to areas where water pollution will not occur. The Township Board of Trustees may impose any conditions it deems necessary to prevent water pollution.
- e. The site shall be accessible from at least two (2) directions.
- f. The site shall be so located as to minimize the effect of winds carrying objectionable odors to urbanized or urbanizing areas.
- g. The sanitary landfill site shall be designated by a qualified expert and submitted to the Seneca County General Health District, EPA, and such local, state, and federal agencies having jurisdiction over same.
- h. Shelter for landfill equipment shall be provided.
- i. Shelter and sanitary facilities shall be provided for personnel.
- j. Measures shall be taken to control fires.
- k. An attendant shall be on duty, during the time the sanitary landfill site is open, to supervise the unloading of refuse.
- l. Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be free of surface rubbish and debris on a daily basis.
- m. Sewage solids or liquids and other hazardous materials shall not be issued on the site.
- n. There shall be no open storage or burning of garbage.
- o. No bulky items such as car bodies, refrigerators, and large tires shall be disposed on the site, except by landfill.

**703.02 (continued)**

- p. Refuse shall be spread and compacted in shallow layers not exceeding a depth of two (2) feet of compacted materials.
- q. A compacted layer of at least six (6) inches of suitable cover material, as prescribed by section 703.02 (118-a) shall be placed on all exposed refuse by the end of each working day.
- r. In all but the final layer of a landfill, a layer of suitable cover material compacted to a minimum depth of one (1) foot shall be placed daily on all surfaces of the fill except those where operations will continue on the following working day.
- s. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- t. Conditions unfavorable for the presence of insects and rodents shall be maintained by carrying out routine land fill operations promptly in a systematic manner.
- u. Measures shall be taken whenever excessive amounts of dust is created.
- v. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rain water falling on the fill, and to prevent the collection of standing water.
- w. An inspection of the entire site shall be made by a representative of the Seneca County General Health District before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as complete. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following completion of the fill.

**118. Conditions for Mobile Home Parks**

- a. In additions to the other requirements of this section, the application shall include any other data the Zoning Inspector may require in association with the rules, regulations and laws of other political entities at the local, state or federal level.
- b. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park, unless separated there from by a natural or artificial barrier.
- c. The park shall be graded so that it is well drained.
- d. Trailer spaces shall be a minimum of four hundred (400 ) square feet for each space and at least fifty (50) feet wide, with lot lines clearly defined or delineated.
- e. There shall be at least a twenty (20) foot clearance between trailers. No trailer shall be closer than twenty (20) feet from within the park or ten (10) feet from any propertyline bounding the park.

## 703.02 (continued)

- f. All trailer spaces shall abut upon a driveway of not less than thirty-four ( 34) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of County street standards and lighted at night with electric lamps of not less than two thousand (2000) lumens each spaced at intervals of not more than one hundred twenty (120) feet. Lighting shall be shielded so as to direct light onto the roads only.
- g. All trailers shall have a minimum width of ten (10) feet and a minimum floor space of seven hundred twenty (720) square feet, excluding porches, Florida rooms, and other similar structures.
- h. Each park may provide service buildings to house laundry, storage facilities and offices. Walkways not less than three (3) feet wide and paved shall be provided from the trailer spaces to the service buildings. A central vehicle parking area shall be provided to supply off-street parking at a ratio of one space for each three (3) trailer spaces.
- i. An electric outlet supplying at least 220 volts shall be provided for each trailer space.
- j. Each trailer space shall be provided a water tap to supply pure and adequate water for drinking and domestic purposes.
- k. Each trailer space shall be provided a trapped sewer at least four (4) inches in diameter which connects with a centralized disposal system.
- l. Adequate garbage and rubbish cans shall be provided not further than three hundred (300) feet from any trailer space.
- m. An open space recreation area shall be provided within the boundaries of the trailer park. The size of the area shall be one acre for the first ten (10) trailer spaces plus 1/20 of an acre for each additional trailer space in the park.
- n. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the Kansas Volunteer Fire Department Chief.
- o. The owner holding a permit or a duly authorized attendant or caretaker, shall be in charge at all times to keep the trailer park, its facilities and equipment in a clean, orderly and sanitary condition and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

**703.02 (continued)**

119. The use shall be permitted under the following conditions:

- a. The minimum size of the area shall be forty (40) acres.
- b. All State and local Health Department regulations shall be complied with.
- c. The maximum period of occupancy for any trailer or other camping facility shall not exceed ninety (90) days in any calendar year. There shall not be any permanent occupancy on the area other than for the owner, operator, and caretakers in the area.
- d. No campsites shall be closer than two hundred (200) feet to any adjacent property line.
- e. A store will be permitted to sell supplies to the camp area occupants. The store shall not be closer than twenty (20) feet to any adjacent property line or street right-of-way.
- f. The number of campsites available shall not exceed three (3) campsites or camping trailers for each acre of ground contained in the area.
- g. Sign Regulations - See Article 6, Section 602, D, 3.

## **ARTICLE 8 NONCONFORMING USES**

### **800.00      PURPOSE**

The purpose of this section is to define the legal status of buildings and land uses which do not conform to this Resolution but which were in operation prior to the enactment of this Resolution and to provide either for the conversion of nonconforming uses into conforming uses as soon as reasonably possible or for the eventual and equitable elimination of some thereto.

### **801.00      Regulations**

The lawful use of any building or land existing prior to the enactment of this Resolution may be continued, although such use does not conform to the provisions of this Resolution: However, to achieve the purposes of this section the following regulations shall apply:

#### **801.01              Alterations**

A building or structure containing a nonconforming use may be altered, improved, or reconstructed within one (1) year provided such work is not to an extent exceeding the aggregate cost of the tax assessed value of the building or structure prior to such alteration, improvement or reconstruction.

#### **801.02              Extension**

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a building or structure which existed prior to the enactment of this Resolution shall not be deemed the extension of such nonconforming use.

#### **801.03              Restoration**

Whenever a building, the use of which does not conform to the provisions of this resolution, is damaged by an explosion, or an act of God to the extent of sixty (60) percent or more of its assessed value, it may be restored on its original site with no variance required if restoration is started within a period of one hundred eighty (180) days and must be completed within eighteen (18) months.

#### **801.04              Displacement**

No nonconforming use shall displace a conforming use.

#### **801.05              Discontinuance and Abandonment**

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered legal abandonment of the nonconforming use. At the end of that two (2) year period, the nonconforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this Resolution. Notice will be sent to the landowner that the building or structure as described in the above paragraph has been abandoned and must be removed from the property within sixty (60) days.

**801.06                    A Change of Zoning Districts**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another or a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

**801.07                    Construction Approval Prior to Resolution**

Nothing in this Resolution shall prohibit the completion of the construction and use of nonconforming buildings for which a zoning certificate has been issued prior to the effective date of this Resolution, provided that construction is commenced within ninety (90) days after the issuance of such certificate; that construction is carried on diligently and without interruption; and that the entire building shall have been completed within two (2) years after the issuance of said Zoning Certificate.

**801.08                    Nonconforming Conditional Uses**

Uses existing prior to the enactment of this Resolution which are listed as conditional uses in the district in which they are located shall be considered as nonconforming uses until a conditional zoning certificate has been applied for and issued for said use.

**801.09                    Nonconforming Use**

Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**801.10                    Use as a Building Site**

Any lot or parcel of land under one ownership and of record at the time of adoption of this Resolution and where no adjoining land was under the same ownership on said date, may be used as a building site even when of less area or width than that required by the regulations for the district in which located.

## **ARTICLE 9**

### **AMENDMENTS**

#### **900.00 Procedure for Amendments**

Amendments or supplements to the zoning resolution may be initiated by action of the Township Zoning Commission, by passage of a resolution by the Jackson Township Trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement.

The Jackson Township Trustees may require that the owner or lessee of property filing an application to amend or supplement to this Zoning Resolution pay a fee to defray the cost of advertising, mailing, and other expenses. If the township trustees require such a fee, it shall be required for each application filed with the Zoning Commission

##### **900.01 Transmittal to Zoning Commission**

The Jackson Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

##### **900.02 Public Hearing by Zoning Commission**

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Zoning Commission shall set a date for a 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 by the Trustees to the Zoning Commission, or the date of the adoption of such motion by the Zoning Commission, or the date of the filing of such application by the owners or lessees

##### **900.03 Notice of Public Hearing in Newspaper**

Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.

##### **900.04 Notice to Property Owners by Zoning Commission**

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty days (20) 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 rezoned 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 or supplement. The published and mailed notices shall set forth the time, date and place of the public hearing, and such other provisions as are required by Ohio Revised Code Section 519.12.

##### **900.05 Submission to County Regional Planning Commission**

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof together with the text and map pertaining thereto to the Seneca County Regional Planning Commission. The Seneca County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, 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 on such proposed amendment or supplement

**900.06 Recommendation by Zoning Commission**

The Zoning Commission shall, within thirty days (30) after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Seneca County Regional Planning Commission thereon to the Jackson Township Board of Trustees

**900.07 Public Hearing by the Board of Trustees**

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

**900.08 Notice of Public Hearing in Newspapers**

Notice of such public hearing shall be given by the Jackson Township Board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the township, at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

**900.09 Action by the Board of Township Trustees**

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

**900.10 Effective Date and Referendum**

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

**900.11      Altering Text, Rezones, or Redistricts More Than Ten (10) Parcels of Land**

If the proposed amendment alters the text of the Zoning Resolution, or redistricts more than ten (10) parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

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 ten (10) 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 each hearing the matter will be submitted to the board of township trustees for its action.
6. Any other information requested by the zoning commission.

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

## **ARTICLE 10**

### **ENFORCEMENT**

#### **1000 ZONING INSPECTOR**

For the purpose of enforcing the zoning regulations, the Board of Township Trustees may provide for a system of zoning certificates and for the establishment of the position of Zoning Inspector together with such assistant as the Board of Township Trustees deems necessary. Said trustees shall appoint said Zoning Inspector and assistants.

The term of employment, rate of compensation, and other such conditions shall be set by the Board of Township Trustees.

The Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

For the purpose of the enforcement of this Resolution, the Zoning Inspector shall have the powers defined and outlined by law.

##### **1000.01 Duties of the Zoning Inspector**

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

1. Upon finding that any of the provisions of this Resolution are violated, he shall notify in writing the person responsible for such violation, ordering the action necessary to correct such violation and the time period for such correction to occur.
2. Order discontinuance of any illegal work being done.
3. Order removal of illegal additions or structural alterations.
4. Take any other action authorized by this Resolution to ensure compliance with or to prevent violations of this Resolution. This shall include issuance of and action on Zoning Permits and Certificates and such similar administrative duties as are permissible under the law.

##### **1000.02 Zoning Certificate**

No building or other structure shall not be erected, moved, added to, structurally adored, nor shall any building, structure, or land be established or changed in use without first obtaining a certificate, issued by the Zoning Inspector. Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receive a written order from the Board of Zoning Appeals as provided by this Resolution or is otherwise Court ordered to do so.

##### **1000.03 Contents of Application for Zoning Certificate**

The application for a zoning certificate shall 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 hundred eighty (180) days and the exterior must be completed within eighteen (18) months. The application shall contain the following information:

1. Name, address and phone number of applicant, if not the owner.
2. Name, address and phone number of owner.

**1000.03** (continued)

3. Legal description of the property.

4. Existing use.

5. Proposed use.

6. Plat in duplicate, drawn to scale, showing the actual dimensions and 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 or alteration.

7. Building height.

8. Front, side and rear yard setback.

9. Number of dwelling units.

10. Such other matter as may be necessary to determine conformance with, and provide for, the enforcement of this Resolution.

A. If the application is for a conditional zoning permit, the application procedure defined in Section 702 will be followed in lieu of the above regulations.

B. Within ten (10) days after receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution.

All zoning permits shall, however, be conditional upon the commencement of work within one hundred eighty (180) days. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either approved or disapproved and attested to the same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or construction is in conformance of this Resolution.

**1000.04                      Correction Period**

All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector in written order. Any violations not corrected within the specified period of time shall be prosecuted.

**1000.05                      Complaints Regarding Violations**

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

**1000.06                      Certificate of Occupancy**

It shall be unlawful to occupy or permit the use or occupancy of any building or premise, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

#### **1000.07 Failure to Obtain**

Failure to obtain a Zoning Permit or certificate of occupancy shall be a violation of this Resolution and punishable under Section 1001.02.

#### **1000.08 Schedule of Fees**

The Board of Township Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for permits, appeals, requests for zoning amendments, conditional use permits, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the Board of Township Trustees. Until all fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

### **1001 VIOLATIONS**

#### **1001.01 Inspection and Correction of Violations**

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted, or any use of land or premises reported in violation of any provision of this Resolution is inspected. The Zoning Inspector shall declare each confirmed violation a nuisance and, in writing, order correction of all conditions which are found to be in violation of this Resolution within a time period determined within the Zoning Regulations discretion, but in no event less than thirteen (13) days. Any building or land use considered as possible violation of the provisions of this Resolution which are observed by any official or citizen shall be reported to the Zoning Inspector

#### **1001.02 Penalties**

Any person, firm, or corporation violating any provisions of this Zoning Resolution or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred (\$100.00). Each day's continuation of a violation of this resolution or any amendment thereto, shall be deemed a subsequent offense, a misdemeanor of the Fourth Degree, and shall be fined two hundred and fifty (\$250.00) and/or 30 days in jail.

#### **1001.03 Injunction, or other Appropriate Action.**

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 Sections 519.01 to 519.99 inclusive, of the Revised Code, or of any regulation or provision adopted by the Zoning Commission or the Jackson Township Trustees under such sections, such board, the prosecuting attorney of the county, the township zoning inspector, or any adjacent or neighboring property owner who be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, enlargement, change, maintenance or use. The Jackson Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any action brought under this section.

## **ARTICLE 11**

### **BOARD OF ZONING APPEALS**

#### **1101.00 AUTHORITY**

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and this Resolution.

#### **1102.00 COMPOSITION, APPOINTMENT, AND ORGANIZATION**

The Board shall consist of five (5) members. Each member shall be appointed for a period of five (5) years and terms shall be so arranged that the terms of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals shall elect a Chairperson from its membership, shall appoint a Secretary, and shall prescribe rules for the conduct of its affairs. Members of the Board shall be removed for nonperformance of duty, misconduct in office or other cause, after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the members so charged at least ten (10) days prior to the hearing either personally or by registered mail or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. In the event a vacancy occurs such vacancy shall be filled by the Jackson Township Trustees by appointment for the balance of the unexpired term.

#### **1103 .00 QUORUM**

The Board of Zoning Appeals shall require a quorum of three members at all its meetings, and an affirmative vote of three members shall be necessary to affect an order.

#### **1104.00 MEETINGS**

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members, and at such other regular times as it may, by resolution, determine. All meetings of the Board shall be open to the public.

#### **1105.00 POWERS AND DUTIES**

- A. To hear and decide appeals where it is alleged there is error in any order requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- B. To authorize upon appeal, in specific cases, variances from the specific requirements of this Resolution as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship and so that the spirit of the Resolution shall be observed and substantial justice done.
- C. To grant conditional zoning certificates for the use of land, buildings, or other structures specifically provided for elsewhere in this Resolution.

#### **1106.00 APPEALS**

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department deeming him, her or itself to be adversely affected by the decision of the Zoning Inspector. The applicant shall post security for the cost of all action required for the hearing of the appeal.

#### **1106.00 (continued)**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector, whose decision is being appealed, shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life or property. In such cases, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order, requirement, decision, or determination as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken, and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall decide all such appeals within a reasonable time.

#### **1106.01 Procedure**

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this Resolution. All appeals and applications made to the Board of Zoning Appeals shall be made to the Secretary of The Zoning Board of Appeals in writing, and on prescribed forms. Every appeal or application shall refer to the specified provision of the Resolution involved, and shall exactly set forth the interpretation that is claimed, the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board of Zoning Appeals, shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under the heading of Interpretation of Variance, together with all documents pertaining thereto..

#### **1106.02 Notice of Hearings**

When notice of appeal has been filed in proper form with the Board of Zoning Appeals, the Secretary shall immediately place the requested and appeal upon the calendar for hearing, and shall cause notices stating the time, place, and objective of the hearing to be served personally or by mail addressed to the parties making the request for appeal and notice by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

#### **1106.03 Fees**

Any request for an interpretation, variance, or appeal to the Board of Zoning Appeals shall be accompanied by the fee(s) established by the Jackson Township Trustees. If the appeal is made to correct an administrative error, and if an error was found to exist by the Board of Appeals, the fee shall be returned to the applicant in proportion to a finding by said Board as is just and equitable. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee may be charged to the applicant in order to cover all expenses of such expert testimony.

## **ARTICLE 12**

### **DEFINITIONS**

**Accessory Building or Use** - is a building or use, customarily incidental and subordinate to the principal use of building, located on the same lot or premises as the principal use of building.

**Agriculture / Agricultural** - is the use of land for agricultural purposes including farming, dairies, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing of produce, provided that the operation of such accessory use shall be secondary to that of the normal agricultures activities and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. A use shall be classified as agriculture only if it is the principal or main use of the land.

**Alley** - is any public space of thoroughfare which has been dedicated by the Seneca County Commissioners to the public travel and which affords a secondary means of access to an abutting property.

**Alteration** - as applied to a building or structure, is a change or rearrangement in the structural parts or in exit facilities, or the enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Apartment House** - is a multifamily dwelling for three (3) or more families, living independently of each other, with independent cooking and toilet facilities in each dwelling unit.

**Auto Graveyard** - Synonymous to **Junk Yard**.

**Automobile Wrecking** - is the dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement** - A story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement's floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

**Boarding House** - is a building where meals are provided for compensation to more than two (2) boarders, other than members of the proprietor's family.

**Building** - See Structure.

**Building Line** - is a line defining the minimum front, side and rear yard requirements.

**Building, Height of** - is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of roof of the top story in the case of a flat roof; to the deck line of a mansard roof ; and to the average height between the plate and ridge of a gambrel roof.

**Car Port** - is a covered automobile parking space not completely enclosed by walls or doors. For the purposes of this Resolution, a car port shall be subject to all regulations prescribed in this Resolution for a private garage.

**Centralized Sewer System** - is where individual lots are connected to a common sewer collection system, whether publicly or privately owned and operated.

**Centralized Water System** - is where individual lots are connected to a common waste distribution system whether publicly or privately owned and operated.

**Clinic, or Medical Center** - is a place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

**Club** - is an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a commercial business.

**Convalescent, Nursing, or Rest Home** - is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**Court** - is an occupied space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

**Density of Population** - is the ratio of population expressed as persons or as families, to a unit of land they occupy expressed in acres or other area measure.

**Dwelling** - is a building or portion of a building designed for residential purposes, including one-family, two-family, and multifamily dwellings, but not including hotels, motels, boarding houses and lodging houses.

**Dwelling, Multi-Family** - See Apartment House.

**Dwelling, Single Family** - is a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two Family** - is a detached building with units designed for or converted to be occupied by two families, living independently of each other, with separate kitchen and toilet facilities.

**Dwelling Unit** - is one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having common toilet facilities and one kitchen.

**Easement** - is a right to some benefit, or use out of, or over the land of another, created by grant or prescription.

**Essential Service** - is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarms boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, for the public health or safety or general welfare.

**Family** - is one or more persons occupying a premise and living as a single housekeeping unit, related to each other by birth or marriage, as distinguished from a group occupying a boarding house, nursing home, lodging house, or hotel as herein defined.

**Fence** - A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary

**Foundation** - A foundation is defined as the natural or prepared ground or base on which some structure rests or the lowest division of a building, wall, or the like, usually of masonry and partly or wholly below the surface of the ground

**Garage, Private** - is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that permitted as a home occupation.

**Garage, Public or Storage** - is a building or part thereof, other than a private garage, for the storage of motor vehicles and in which service station activities may be carried on.

**Gasoline Service Station** - is any area of land, including any structure or structures thereon, that is, or are used, or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

**Grade, Finished** - is the completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Group Housing Development** - are those types of residential structures customarily known as garden apartments, terrace apartments, row housing units and those types of housing structures similar in character and density to such group housing.

**Home Occupation** - is any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**Hospital or Sanitarium** - is an establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours, or more, for observation, diagnosis and care, of two (2) or more individuals suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

**Hotel** - is a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or lodging house.

**Industrial Park** - is a tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing at least one (1) street, designed solely to provide access to industrial establishments located upon it.

**Inoperative/Abandoned Vehicle** - A vehicle will be considered inoperable or abandoned, with or without parts missing, if it is not legally operable on the highway ,or for watercraft, on the waterway.

**Kennel** - is a place where more than three (3) dogs are bred for commercial purposes, sale or boarding are kept.

**Kitchen** - is any room and/or other space used or intended or designed to be used for cooking or for preparation of food.

**Junk Yard** - is any land or building used for abandonment, storage, keeping, selling, exchanging, packing, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

**Living Space** - is that area within a structure intended, designed, erected, or used for human occupancy, but excluding any cellar or basement area, or accessory use areas.

**Loading Space** - is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lodging or Rooming House** - is a building where lodging only is provided for compensation to more than two (2) lodgers other than members of the proprietor's family

**Lot** - for the propose of this Resolution a lot shall be defined as any parcel or tract of land the deed for which has been recorded in the office of the Recorder of Seneca County, Ohio and provided by the Seneca County Auditor with a permanent parcel tax identification number. Such lot shall have frontage on a public street, or on an approved private street.

**Lot, Coverage** - is the area of a lot occupied by the principal and accessory buildings.

**Lot, Depth of** - is the main distance from the right-of-way line of the street at the front of the lot, to its opposite rear line, measured in the general direction of the side lines: Where the right- of-way is not established, it shall be assumed to be sixty (60) feet.

**Lot, Interior** - is a lot other than a corner lot.

**Lot, Lines** - are the lines defining the limits of a lot.

**Lot, Corner** - is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees. It is the land occupied or to be occupied by the corner buildings.

**Lot, Width of** - is the width measured along the minimum setback line.

**Lot, Record of** - is a lot which is part of a subdivision, the plot, or map of which has been recorded in the Office of the Recorder of Seneca County or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Recorder of Seneca County.

**Major Thoroughfare** - is a thoroughfare designed as a major thoroughfare on the land use and/or thoroughfare plan duly adopted by the Board of Seneca County Commissioners or a Municipal Planning Commission.

**Manufactured Housing / Manufactured Homes** - Any dwelling with a minimum of eight hundred (800) square feet utilizing a tandem wheel arrangement and towable, or a dwelling constructed of two (2) halves joined and delivered utilizing a tandem wheel arrangement.

**Minimum Building Set-Back Line** - is a line back of and parallel to, the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way line is not established it shall be assumed to be sixty (60) feet.

**Mobile Home - Mobile Trailers** - means any self-propelled and non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

**Mobile Home Lot** - A parcel of land for the placement of single mobile home and the exclusive use of its occupants.

**Mobile Home Park - Trailer Court** - A parcel of land under a single ownership which has been planned and improved for the placement of mobile homes for non-transient use. Sometimes termed as a mobile home court.

**Motel** - is any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, and tourist cabins.

**Nonconforming Use** - is a building, structure, or use of land lawfully existing at the time of enactment of this Resolution, or any amendment or supplement thereto, and which does not conform to the regulation other than height, area, and yard requirements for the district in which it is situated.

**Nuisance** - an obnoxious or annoying person, thing, condition, practice, etc. something offensive or annoying to individuals or to the community, especially in violation of their legal rights.

**Office Building** - a building, non residential, containing offices where work is done as a commercial enterprise.

**Open Space** - is an area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

**Parking** - is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**Place** - is an open occupied space other than a street or alley permanently reserved as a principal means of access to abutting property.

**Porch** - is a roofed or unroofed open structure projecting from the front, side or rear wall of a building, and having no enclosed feature of glass, wood, or other material more than thirty-six (36) inches above the floor thereof, except wire screening and the necessary columns to support the roof .

**Principal Building**- is the building housing the principal activity performed on any lot.

**Public Utility** - is any person, firm, corporation, governmental agency, or board, fully authorized to furnish, and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water, or any other similar public utilities.

**Residence** - a structure in which a person or persons lives or resides, a dwelling place or home.

**Right-of-Way** - is a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Sign** - Shall mean any word or words, lettering, parts of letters, figured, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, by which anything is made known, and which is affixed to, or painted, or represented directly or indirectly upon a building, structure or place of land and directs attention to an object, place, activity, person, institution, organization or business. The word "sign" shall also include billboards, signboards and display sign.

**Skirting** - A series of panels or a flexible strip between the foundation on which the manufactured home rests and the manufactured home itself. Designed to cover the undercarriage and utility services of the manufactured home.

**Stable** - is any building, structure or portion thereof which is used for the shelter or care of horses, or other similar animals, either permanently or temporarily

**Stand** - is a structure for the display and sale of products with no space for customers within the structure itself.

**Story, Half** - is a space under a sloping roof which has the line of intersection of a roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds ( $2/3$ ) of the floor area is finished for the use. A half-story containing independent apartment or living quarters as a full story.

**Story, Height of** - The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most floor is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street or Road Line** - is a lot line separating a lot from an adjacent street.

**Street, Public** - is a public thoroughfare, usually paved, which has been dedicated to the public for public use and accepted by the Seneca County Commissioners and which affords principal means of access to abutting property.

**Street, Private** - is a thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public.

**Structure** - is anything constructed or erected which requires location on the ground, including signs and billboards, but not including fences or walls used as fences.

**Structural Alterations** - is any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**Suitable** - appropriate to a purpose or an occasion.

**Tank, Storage** - is in reference to petroleum or chemical products, a closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

**Temporary Building** - lasting, existing, serving, or effective for a designated time only, not permanent.

**Tourist Camp** - is any lot, piece or parcel of ground where two (2) or more camp cottages, tents, camping or travel trailers, house trailers or mobile homes used as living or sleeping quarters are or may be located, said camp being operated for or without compensation.

**Tourist Home** - is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**Thoroughfares** - a road especially a private one, leading from a street or other thoroughfare to a building, house, garage, etc.

**Townhouse** - one of a row of houses joined by common sidewalls.

**Use** - is the purpose, or activity, for which land or a building or structure is arranged, designed or intended, or for which it is occupied or may be, occupied or maintained.

**Use, Accessory** - See Accessory Building or Use.

**Use, Conditional** - is a use which is permitted in a district, or zone, only in certificate therefore is expressly authorized by the Board of Zoning Appeals in accordance with the provisions of this Resolution.

**Use, Principal Permitted** - is a use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Official in accordance with the provisions of this Resolution.

**Use, Seasonal** - is the occupation of any building, or structure, or activity for a period not to exceed more than six (6) months of any one calendar year.

**Variance** - a variance is a modification of the 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.

**Vehicles - Abandoned /Inoperative** - A vehicle will be considered inoperable or abandoned, with or without parts missing, if it is not legally operable on the highway ,or for watercraft, on the waterway.

**Width, Side Yard** - The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

**Wholesale Establishments** - a business that specifically sells goods in quantity, as to jobbers and retailers.

**Yard** - is an open area other than a court, on a lot, unoccupied and unobstructed from the ground upward.

**Yard Depth, Rear** - is an open unoccupied space on the same lot with any structure between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**Zoning Certificate, or Permit** - is a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characterizes of the uses.

**Zones or Districts** - refers to a section of this Resolution for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.