

PIERPONT TOWNSHIP ZONING  
RESOLUTION ADOPTED JUNE 1976

**WORKING COPY  
2019**

**March 9, 2020**

HISTORY:  
PIERPONT TOWNSHIP ZONING RESOLUTION ADOPTED 1956  
AMENDMENTS TO ZONING RESOLUTION JANUARY 1966  
AMENDMENTS TO ZONING RESOLUTION FEBRUARY 1976

**CODE FOR CHANGES**

Strike out letters (red) ~~(Aaaaaaa)~~—removed language

Underlined (blue)— new language

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### PIERPONT TOWNSHIP ZONING RESOLUTION

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

WHEREAS, The Board of Trustees of Pierpont Township deems it in the interest of the public health, safety, morals, comfort and general plan of zoning for said township.

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

#### SECTION ~~1~~1 – 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 land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this township finds it necessary and advisable to regulate the location, height, bulk, number of factories, sizes of buildings and use of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, the density of population and the uses of land for trade, agriculture, industry, residence, recreation or other purposes and for such purposes divides the township into districts or zones.

SECTION XXVIII<sup>2</sup>  
DEFINITIONS

Interpretation of Terms or Words: For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

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

ACCESSORY BUILDING:--Building or buildings customarily incident to and located on the same lot with another building.

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

AGRICULTURE:--~~Shall include land used for farming, dairying, pasturage, horticulture, viticulture, apiculture, Floriculture, animal and poultry husbandry.~~ As used in Sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

ALTERATION:--(See Structural Change)

AREA OF BUILDING:--Number of square feet included within the outside walls, excluding porches, breezeways, and attached garages.

March 9, 2020 revisions/additions

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

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

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

CARPORT: PATIO: PORCH:--A structure projecting from the basic dwelling, either open or semi-enclosed.

CELLAR:--The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

CONTRACTOR'S STORAGE YARD (OR OPERATIONS) - Storage yard operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment, and buildings or structure for uses such as offices and repair facilities.

CORNER LOT:--A lot, with two sides of which are bounded by margins of intersecting, dedicated, public or private highways.

DISTRICTS:--Areas designated on zoning map for development of a particular use.

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

FAMILY:--Any number of individuals, ~~immediately related by blood, marriage, or adoption~~ living and cooking together as a single housekeeping unit ~~and shall include domestic occupants.~~

FRONT LOT LINE:--That property line or lines which coincide with road right-of-way boundary or boundaries.

FRONT YARD:--Minimum distance between a structure and the front lot line.

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

~~IN HOME BUSINESS: Business activities being conducted in or from the residential premises by the Occupant of the residence.~~

HOME OCCUPATION - An occupation or activity which is clearly incidental and secondary to use of premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises

JUNK - Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires. (ORC 4737.05(A))

JUNK MOTOR VEHICLE- A junk vehicle is defined in Ohio Revised Code Section 505.173 as a vehicle that is three model years old or older, is apparently inoperable and is extensively damaged (including, but not limited to, missing wheels, tires, engines, or transmissions.)

~~JUNK YARD:--Where two or more unlicensed vehicles or scrap metal, paper, rags, glass or other junk are stored for salvage purpose or sale of used parts shall constitute a junk yard. An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying or selling junk (ORC 4737.05(B))~~

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

LOT AREA:--The number of square feet included by the metes and bounds of the property line.

MANUFACTURED HOME- any non-self-propelled vehicle transportable in one or more sections, which in traveling mode is 8 feet or more in width, or 40 feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and which conforms to the Federal Construction and Safety Standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974.”

MOBILE HOME- A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home. Mobile homes were constructed prior to, and do not conform to the 1974 HUD standards for manufactured homes. mobile home does not include travel trailers.

MOBILE HOME PARKS:--Means a plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MOBILE HOME SHED:--A structure attached to a mobile home at an exit to provide a sheltered ingress and egress.



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

MOTOR HOME- A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking, and consuming food, and for sleeping.

MOTOR VEHICLE SALVAGE DEALER – Any person who engages in business primarily for the purpose of selling salvage motor vehicle parts and secondly for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

MULTI-FAMILY DWELLINGS-APARTMENTS:--A dwelling consisting of three (3) or more dwelling ~~units~~ units including condominiums with varying arrangements of entrances and party wall. Multi-Family housing may include public housing and industrialized units with each dwelling unit consisting of a minimum of 720 square feet of living space.

NON-CONFORMING USE:--Is a lot or parcel of land which does not comply with the regulations established for the particular use, district or zone in which it is situated and was so prior to the adoption of zoning.

PARCEL:--An area of land shown as one unit on the County Auditor’s map or duplicate.

PLANNING COMMISSION:--Its use shall mean the Ashtabula County Planning Commission.

PLAT:--When more than five (5) lots are created from a parcel of land or when a new road is to be accepted by the Township Trustees for maintenance purposes.

PLATTING:--Shall mean the platting for residential development in accordance with Ashtabula County Planning Commission regulations.

PRIVATE STORAGE BUILDING:--A building for private storage only, and may be located on a parcel of land with or without other buildings.

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

REAR LOT LINE:--That property line opposite the designated front line.

REAR YARD:--Minimum distance between a structure and rear lot line.

RECREATION CAMP (CAMP & FACILITIES):--An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly

accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

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

RESIDENTIAL GARAGE:--A structure or portion designed and used primarily for the housing of vehicles, automobiles, carriages, etc.

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

ROOMING HOUSE:- An establishment used for dwelling purposes in which lodging is provided for compensation pursuant to previous arrangements in guest rooms, but not open to public or overnight guests. also known as a boarding house

SET BACK BUILDING LINE:--Line perpendicular to the set back distance of the specified distance.

SET BACK DISTANCE:--The minimum horizontal distance between the road right-of-way and the building line.

SIDE LOT LINE:--Any lot line which is neither a front property line nor a rear property line.

SIDE YARD:--Minimum distance between a structure and the side lot line.

SIGN:--Any device designed to inform, or attract the attention of persons who are not on the premises on which the sign is located, whether permanent or temporary.

SINGLE FAMILY DWELLING:--A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family and having a minimum of 720 square feet.

STRUCTURAL CHANGE:--(Alteration) As applied to a building or structure means a change or re-arrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

STRUCTURE:--Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures

include buildings, mobile homes, walls, fences and billboards, however fences used for agriculture purposes shall not be considered a structure.

TENTS:--A portable lodge of skins, canvas, strong cloth or other durable materials, stretched and sustained by poles, ropes or other means of securing and used for human shelter.

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

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation route within residential subdivisions.
4. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Local Street: A street primarily for providing access to residential or other abutting property.

TOURIST HOME--An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation, including establishments known as bed-and-breakfasts.

TRAVEL TRAILER--A non-self-propelled recreational vehicle that does not exceed an overall length of 40 feet, exclusive of bumper and tongue or coupling. Travel trailers include a tent-type fold out camping trailer.

TWO FAMILY DWELLING – DUPLEX:--A dwelling arranged, intended, designed and constructed or re-constructed under the same roof, to be occupied by two families living independent of each other and having independent and separate living areas with each living area consisting of a minimum of 720 square feet.

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

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

SECTION ~~H~~3 – ESTABLISHMENT OF DISTRICTS

For the purpose of carrying out the provisions of this resolution, the said Pierpont Township is hereby divided into the following districts:

1. Agricultural-Residential District, which shall be designated Agr-R District.
2. Business and Commercial, which shall be designated as B Districts.
3. Industrial and Manufacturing, which shall be designated as I Districts.
4. Recreational, which shall be designated as R Districts.
5. Special Use, (Conditional Zoning Certificate)

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

SECTION ~~H~~4 – AGRICULTURE

Nothing contained herein to the contrary, this resolution shall in no way prohibit the use of any land for agricultural purposes or the construction of or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and ~~no~~a zoning certificate shall be required for any such building or structure. Agriculture shall also include the cutting, sawing and removing of timber and forestry.

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

SECTION ~~IV~~5 – CLASSIFICATION OF USES

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

Agr-R Districts “residential”

The following uses and no other shall be deemed Class Agr-R uses and permitted in all Agr-R districts:

1. Single and two-family dwellings for residential purposes and buildings accessory thereto.
2. Tourist homes, rooming houses, and boarding homes.
3. Church, school, college, university, public library, public museum, lodges and temples, community center, institutions of an educational or philanthropic character other than correctional, fire station, township hall, publicly owned park, and publicly owned playground.
4. Any person may maintain an office or may carry on a ~~customary~~ home occupation in the dwelling house used ~~by him or his~~ as a private residence providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this resolution, and further providing not more than 33% of the area ~~of the first floor~~ of said dwelling be used for said office or home occupation.
5. Gravel pit, oil wells, gas well, sugar bush.
- ~~6. Roadside stands consisting of structures used for the display and sale of agricultural products provided:
  - A. Such stands are not in the road right of way.
  - B. Such stands are at least twenty (20) feet back from the traveled portion of the road.
  - C. Adequate facilities are maintained for off the road parking of customer’s vehicles.
  - D. More than 50% of the products sold on such roadside stands are agricultural products raised on the premises.
  - E. That such roadside stand be so designed and constructed that it can be removed when not in use.~~
- ~~7.6.~~ Basement houses with a minimum floor area of 500 sq. feet will be permitted, providing a permit is issued for a 1 ½ or 2 story house of 790 sq. feet for a one story house, for a temporary building not to exceed two (2) years, with roof, siding and windows to be installed by the end of the two (2) years and providing that said lot is adequately improved and landscaped within one (1) year from commencement of construction.
- ~~8.7.~~ A one family dwelling must contain a minimum of 720 sq. feet floor area for one story, or minimum of 840 sq. feet floor area of which not less than 500 sq. feet of floor area must be upon the first floor for a 1 ½ or two story, excluding porches, breezeways, terraces or

garages. A two family dwelling must be double the size of the single family dwelling, with each family having the minimum floor area as required for a single family dwelling.

~~9. All human habitations in all districts must have at least two exits, and they must be doors which are not adjacent.~~

~~10.8.~~ All dwellings hereinafter erected, converted, enlarged or constructed shall conform to minimum requirements of this regulation with respect to foundation, size, water, sanitary system and parking area.

~~11.9.~~ Hospital, sanitarium or rest homes providing that any such hospital, sanitarium or rest home shall have a lot area of not less than two acres and a frontage on a public thoroughfare of not less than 250 feet and providing that any such hospital, sanitarium or rest home caring for contagious disease or mental cases also shall have a lot area of not less than five acres in addition to the other requirements set forth herein and have not less than 400 feet frontage.

~~12.10.~~ ~~Mobile Homes~~ Manufactured Home – a permit shall be issued for commercially built mobile homes, providing said ~~mobile home~~ manufactured home has a minimum of not less than 500 sq. feet of living area. Said ~~mobile home~~ manufactured home must be located not more than one to a lot, which lot shall not be smaller than the minimum requirements for a single-family dwelling as provided in this resolution. All set back requirements as provided in this resolution shall ~~elaset~~ be met and within 60 days from the date of issuance of permit be connected with a septic tank located on the same lot which the ~~mobile home~~ manufactured home is situated, also have an adequate water supply upon the same lot, all in accordance with the requirements as are now or maybe hereafter established by the County Dept. of Health. The permit to be revoked if above requirements not met within time specified. (60 days)

~~13.11.~~ ~~Mobile Home Park~~ Manufactured Home Park – providing they meet the requirements of the laws of the State of Ohio regulating ~~Mobile Home Parks~~ Manufactured Home Parks and all regulations on ~~Mobile Home Parks~~ Manufactured home parks ~~adopted by the public health council~~ in accordance with the laws of the State of Ohio.

~~14.12.~~ Cabins, tents and lumber cabins. A permit shall be issued for cabins, tents and lumber cabins not to exceed a period of 30 days, when said cabins, tents, and lumber cabins are used as temporary living quarters only. Said permit shall not be renewed more than two additional periods of 30 days each and then only if said cabins, tents or lumber cabins are maintained in a clean, sanitary and sufficiently suitable condition as determined by the zoning inspector. The fee for each permit shall be the same as a residential dwelling permit.

~~15. All human habitation in all districts hereinafter erected must have inside sanitary facilities connected to a sanitary disposal system meeting county health dept. standards and must have adequate water supply, except cabins, tents and lumber cabins as provided in paragraph 14 above.~~

~~16.13.~~ 13. Permit agricultural processing, marketing activities in conjunction with agricultural enterprises, including storage and sales of commodities necessary to sustain above operations.

~~17~~14. Permit business pertaining to buying, selling, servicing and maintaining all types of machinery, equipment and merchandise of all kinds and descriptions, and doing of all things necessary and incidental thereto, ~~so long as the major portion of said business and activities are related to agriculture.~~

~~18.~~15. Contracting operations are permitted, including sales, storage and service.



SECTION ~~V~~6  
BUSINESS AND NEIGHBORHOOD COMMERCIAL DISTRICT

“B” districts, business and commercial. The following uses and no other shall be deemed permitted in “B” districts:

1. Any use permitted in Agr-R district shall be permitted in a “B” district.
2. Transient tourist accommodations, motels, hotels, and other living quarters such as apartment houses and living quarters over business establishments.
3. Retail store or shop known as neighborhood commercial establishments such as grocery store, dairy store, drug store, indoor theatre, haberdashery and the like providing the business is conducted wholly within an enclosed building.
4. Personal services such as beauty parlors, studios, offices and restaurants and the like providing they are conducted wholly within an enclosed building.
5. Gasoline filling and service stations ~~providing storage tanks are underground and covered with earth to meet underwriters specifications.~~
6. Sales and service garages.
7. Funeral homes.
8. Banks and office buildings.

SECTION ~~VII~~  
HEAVY COMMERCIAL, INDUSTRIAL AND MANUFACTURING DISTRICT

“I” District, Industrial and Manufacturing. The following uses and no other shall be deemed Class “I” uses and permitted in all “I” districts:

1. Any use permitted in an Agr-R district or in a B district shall be permitted in an “I” district.
2. Junk yards, and/or motor vehicle salvage yards ~~automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes or dismantling used cars~~ provided the area used for any or all the above purposes has a solid painted or solid evergreen fence of at least 5 feet in height between said area and any public highway upon which it borders, which fence shall have a setback of not less than 150 feet from the side road line. The area between said road line and fence shall be graded and seeded. On all sides of the area used for the purposes above mentioned, which do not border upon a highway, there shall be a 10 foot clear area maintained between the used portion and the line of an adjoining owner.
3. Any other normal business, service, heavy commercial or industrial or manufacturing use, providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration, except uses specifically prohibited in this resolution.

SECTION ~~VH~~8  
RECREATIONAL DISTRICT

This district is unique in that the principle activity is related to some phase of recreation whether it is public or privately owned or operated.

Permitted Uses:

1. Golf Courses – public and/or private
2. Bowling Alleys
3. Drive-in Theaters
4. Swimming clubs or parks, lakes for fishing, boating (public or private)
5. Boat sales, service & storage & marinas (public or private)
6. Dance Halls
7. Golf Driving Ranges
8. Riding Clubs
9. Public or private parks, playgrounds and other associated uses
10. Museums, Zoo
11. Campgrounds and camping facilities
12. Residential dwellings and uses
13. Mobile Home Parks, providing they meet the requirements of the laws of the State of Ohio regulating Mobile Home Parks and all regulations on Mobile Home Parks adopted by the Public Health Council in accordance with the laws of the State of Ohio.
14. Tennis Clubs or parks

Sales of equipment, refreshments, instructions of other activities related to the recreational uses shall be allowed.

SECTION ~~VIII~~<sup>9</sup>  
SPECIAL USE DISTRICT

This district is created to allow special land uses to locate in the township in accordance with Section 519.14 of the Ohio Revised Code. This section confers the authority to grant conditional zoning certificates for the use of land, buildings or other structures by the Township Zoning Appeals Board.

The Special Use District is established to obtain maximum use of the land in the township and allow types of uses that might not be compatible in a regular established district.

The Special Use District will not be shown on the official township zoning map but an accurate account of its location will be filed with the Township Zoning Inspector and the Fiscal Officer of the township.

No uses have been established for this district.

SECTION ~~IX~~10  
PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any Agr-R or I or B district:

~~1. Dumps or places for the disposal of sewage and garbage unless operated by or for the Board of Township Trustees.~~

2.1. Any ~~other~~ business or industry that is considered to be noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration or that would create a fire hazard or be aesthetically obnoxious or psychologically distasteful.

SECTION ~~X~~11  
OUTDOOR ADVERTISING

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

On the site outdoor signs and structures are signs and structures that are located on the same lot or premises with the business which they inform or advertise to the public. No height limit or size is imposed on these signs in the Commercial district.

Off-site outdoor signs and structures are signs and structures that are not located on the site of the business or premises which they promote, inform, or advertise to the public. These signs themselves are a commercial use.

1. On site signs not larger than 15 sq. feet in area shall be ~~permitted~~ allowed, without a permit, in any district provided they are not located within the road right-of-way. ~~NO PERMIT REQUIRED~~
2. On site signs not larger than 100 sq. feet in area shall be ~~permitted~~ allowed with an approved permit in any district provided they have a minimum set-back from the road side line of 10 feet.
3. An outdoor advertising off-site sign or billboard, other than those mentioned in Paragraphs 1 and 2 of this section shall be deemed a structure and shall require a zoning ~~certificate~~ permit before being erected, constructed or replaced.
4. No outdoor advertising signs, except those mentioned in Paragraphs 1 and 2 of this section, shall be located within 100 feet of any intersection unless affixed to a building.
5. ~~No~~ outdoor advertising sign, except those mentioned in Paragraphs 1 and 2 of this section, shall be placed nearer any street or road than the minimum set-back building line.
6. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway.
7. ~~Political campaign signs advertising candidates or issues may be permitted for a period not exceeding 60 days before the election concerned and shall be removed within 10 days after said election.~~

SECTION ~~XI~~12  
NON-CONFORMING USES

**12.01 PURPOSE**

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

**12.02 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES**

Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

**12.03 INCOMPATIBILITY OF NON-CONFORMITIES**

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

**12.04 AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or 3 - 1 removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

### **12.05 CERTIFICATES FOR NONCONFORMING USES**

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure, or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

### **12.06 SUBSTITUTION OF NONCONFORMING USES**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

### **12.07 SINGLE NON-CONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 8 of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

### **12.08 NON-CONFORMING LOTS OF RECORD IN COMBINATION**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution,



and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

### **12.09 NON-CONFORMING USES OF LAND**

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

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

### **12.10 NON-CONFORMING STRUCTURES**

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

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- b. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution;
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved; and
- d. Recreational vehicles, mobile homes, and trailers as defined by Section 2 of this Resolution (excepting manufactured homes as defined by this Resolution) are not structures, and Sections 12.10 and 12.11 of this Resolution do not apply.

### **12.11 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the

district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

#### **12.12 TERMINATION OF USE THROUGH DISCONTINUANCE**

When any nonconforming use is discontinued or abandoned for two (2) years or more, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

#### **12.13 TERMINATION OF USE BY DAMAGE OR DESTRUCTION**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions: a. A Zoning Permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion; and b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

## 12.14 REPAIRS AND MAINTENANCE

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

~~A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two or more years, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.~~

~~Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, provided it is done within one year after this resolution takes effect.~~

~~Any building or structure, existing as non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two years from the date of said destruction, and is rebuilt as nearly as possible to conform with the zoning ordinances within the district in which it is located.~~

~~A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than 25% of the original area, providing the alterations or enlargement is toward conformity with the zoning ordinances within the district in which it is located.~~

~~When a non-conforming use has been changed to a more restricted use or to be a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.~~

**SECTION ~~XH~~13**  
**PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES**  
**PUBLIC UTILITIES AND RAILROADS**

~~This resolution shall not apply to public utilities or railroads.~~

**13.01 GENERAL**

Appeals and variances shall conform to the procedures and requirements of this Section, of this Resolution. As specified in Section 23.10, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

**13.02 APPEALS**

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

**13.03 STAY OF PROCEEDINGS**

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

**13.04 VARIANCES**

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

**13.05 APPLICATION AND STANDARDS FOR VARIANCES**

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

1. Name, address, and telephone number of applicant(s)/property owner(s);

2. Legal description of property; proof of ownership;
3. Description or nature of variance requested;
4. A fee as established by Resolution; and
5. Narrative statements establishing and substantiating that the facts of the issue for which the variance is sought conform to either of the following standards:
  - A. PRACTICAL DIFFICULTY. Duncan vs. Middlefield standards shall be applied to area variances.
    - i. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
    - ii. Whether the variance is substantial.
    - iii. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a “substantial detriment.”
    - iv. Whether the variance would adversely affect the delivery of governmental services.
    - v. Whether the property owner purchased the property with knowledge of the zoning restriction.
    - vi. Whether the problem may be solved by some manner other than the granting of the variance.
    - vii. Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.

All other variances shall apply to hardship. See below.

- B. UNNECESSARY HARDSHIP. As used in this zoning resolution, for there is to be found that an unnecessary hardship is present on any property so that the strict interpretation and application of these regulations shall unduly burden the property and use thereof.
  - i. The hardship claimed shall be directly related to the physical site, and inherently related to the land under consideration.
  - ii. Anyone claiming unnecessary hardship shall prove that if the regulation or restriction authorized under this zoning resolution as strictly applied, to the property in question, would be unduly oppressive, arbitrary or confiscatory if required on that particular, individual property in question.
  - iii. Evidence of variances granted under similar circumstances need not be considered.

### **13.06 ADDITIONAL CONDITIONS AND SAFEGUARDS**

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

### **13.07 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

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

**13.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER**

Before conducting the public hearing required in Section 413, notice of such public hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and the nature of the proposed appeal or variance.

**13.09 NOTICE TO PARTIES IN INTEREST**

Before conducting the public hearing required in Section 13.07, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 13.08.

**13.10 ACTION BY BOARD OF ZONING APPEALS**

Within thirty (30) days after the public hearing required in Section 413, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 13.06, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 23.11.

**13.11 TERM OF VARIANCE**

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

**13.12 AUTHORIZED VARIANCE**

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

SECTION ~~XIII~~14  
MINIMUM LOT AREA

No one or two family dwellings shall be erected or building altered to accommodate one family as a residence on less than ~~40,000 square feet~~ two (2) acres of lot area, unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with these requirements.

In computing lot area, that portion located within the limits of a legal highway shall be included in the computation of the minimum lot area.

SECTION ~~XIV~~15  
MINIMUM LOT WIDTH

No dwelling shall be erected in any district on a lot having a frontage of less than 200 feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with these requirements.

No minimum lot width shall be required in a B or I district for uses other than dwellings except such as is necessary to comply with the requirements for yard and lot areas or parking facilities.



SECTION ~~XV~~16  
SET-BACK BUILDING LINES

In “Agr-R” district, no building or structure or any portion thereof, except steps, and uncovered porches less than ten feet in width, shall be erected within fifty feet of the outside right of way line of any dedicated road or street. If there is no established outside right of way line by dedication for any road or street, then said outside line shall be deemed to be thirty (30) feet from the center line of the road.

SECTION ~~XVI~~17  
SIDE YARDS

For every building erected in an Agr-R district and for any dwelling erected in any district, there shall be a minimum side lot clearance of ~~not less than twenty five (25) feet, of which~~ not less than ten (10) feet shall be on the side of any structure, which space shall remain open and unoccupied by any building or structure.

No side yard clearance shall be required for commercial or industrial buildings in B or I districts.

SECTION ~~XV~~XVIII  
CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions of Section ~~XV~~XVIII of this ordinance with provisions applicable to each street bordering said corner lot which is 80 feet from center line of each street.

SECTION ~~XVIII~~19  
REAR YARDS

For every building erected in an Agr-R district, there shall be a minimum rear lot clearance at the rear of said building of not less than ten (10) feet which space shall remain open and unoccupied by any building or structure.

SECTION ~~XIX~~20  
MAXIMUM HEIGHT OF BUILDINGS

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

SECTION ~~XX~~21  
PARKING FACILITIES

All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right of way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. No less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.

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

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

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

SECTION ~~XXI~~22  
HIGHWAYS

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

SECTION ~~XXH~~23  
~~ZONING CERTIFICATE~~  
ADMINISTRATION

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

23.02 GENERAL PROVISIONS.

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

1. Zoning Inspector
2. Zoning Commission
3. Board of Zoning Appeals
4. Board of Trustees
5. County Prosecutor/City Solicitor

23.03 ZONING INSPECTOR. A Zoning Inspector appointed by the Board of Trustees shall administer and enforce this Resolution. The Zoning Inspector may be provided with the assistance of such other persons as the Board of Trustees may direct.

23.04 RESPONSIBILITIES OF ZONING INSPECTOR

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

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



9. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
10. Prepare and submit a monthly report to the Board of Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report may include recommendations concerning the schedule of fees.

23.05 ZONING COMMISSION. A Zoning Commission is hereby created, which shall consist of five (5) members to be appointed by the Board of Trustees, each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township. Members of the Commission may be removed from office by the Board of Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Trustees for the unexpired term of the member affected. Two alternate members may be appointed at the discretion of the Board of Trustees.

23.06 PROCEEDINGS OF ZONING COMMISSION. The Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting shall be held each year in the month of January. Zoning Commission meetings shall be held at the call of the chair and at such other times as the Zoning Commission may determine. All meetings shall be open to the public. The Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed within fifteen (15) days in the office of the Township Fiscal Officer. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of said Board shall be necessary to make a motion to adopt or reverse an order, requirement or decision, or determination of Inspector or the Zoning Commission.

23.07 DUTIES OF ZONING COMMISSION. For the purpose of this Resolution, the Zoning Commission shall have the following duties:

1. Recommend the proposed Zoning Resolution and the Official Zoning District Map to the Board of Trustees for formal adoption.
2. Initiate advisable Official Zoning District Map changes, or changes in the text of this Resolution, where same will promote the best interest of the public in general through recommendation to the Board of Trustees.
3. Review all proposed amendments to this Resolution and the Official Zoning District Map and make recommendations to the Board of Trustees as specified in Section 25 of this Resolution.
4. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as it feels would be appropriate.

23.08 BOARD OF ZONING APPEALS. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Trustees each for a term of five

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

**23.09 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. An annual organizational meeting will be held each year in the month of January. Meetings shall be held at the call of the chair and at such times as the Board of Zoning Appeals may determine. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals and also with the Township Fiscal Officer.

**23.10 DUTIES OF THE BOARD OF ZONING APPEALS.** For the purpose of this Resolution, the Board of Zoning Appeals shall have the following duties:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
3. Grant conditional zoning permits for the use of land, buildings, or other structures if such permits for specific uses are provided for in this Resolution.
4. Revoke an authorized variance or conditional zoning permit granted for the extraction of minerals, if any condition of the variance or permit is violated. The Board of Zoning Appeals shall notify the holder of the variance or permit by certified mail of its intent to revoke the variance or permit under item 4 of this section and of the right to a hearing before the Board of Zoning Appeals, within thirty (30) days of the mailing of the notice, if the holder of such variance or permit so requests. If the holder of such variance or permit requests a hearing, the Board of Zoning Appeals shall set a time and place for the hearing, and notify the holder of such variance or permit. At the hearing, the holder of such variance or permit may appear in person, by attorney, or may submit position(s) in writing. The holder of such variance or permit may present evidence and examine witnesses appearing for or against the holder of such variance or permit. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or permit without a hearing. The authority to revoke a variance or permit is in addition to any other means of zoning enforcement provided by law.
5. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Township offices.

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

### 23.11 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution, the Board of Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 23.13 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the written decision of the Board of Zoning Appeals.

23.12 BOARD OF TRUSTEES. For the purpose of this Resolution, the Board of Trustees shall have the following duties:

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

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

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

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

~~The following fees are the purpose of defraying the cost of inspection, certification and the maintenance of necessary records:~~

<del>Mobile Home</del>	<del>_____</del>	<del>\$10.00</del>
<del>Dwellings</del>	<del>_____</del>	<del>10.00</del>
<del>Alteration/addition</del>	<del>_____</del>	<del>6.00</del>
<del>Accessory building</del>	<del>_____</del>	<del>4.00</del>
<del>Commercial building</del>	<del>_____</del>	<del>14.00</del>
<del>Mobile Home Park</del>	<del>_____</del>	<del>50.00 + per Mobile home \$6.00</del>

~~Also, any additional inspection made by the Zoning Inspector shall be charged to the applicant at the rate of \$2.00 per inspection.~~

~~**FEES SHALL BE DETERMINED BY THE BOARD OF TOWNSHIP TRUSTEES**~~

~~This resolution shall not be interpreted as interfering with, abrogation or annulling any ordinances, regulations, resolutions or permits previously adopted or issued by the Pierpont Township Trustees except where such ordinances, regulations, resolutions or permits are in conflict with this resolution or amendments thereof; in which event this resolution or amendments thereto shall prevail.~~

**SECTION XXIII  
BOARD OF ZONING APPEALS**

~~There is hereby created a Township Board of Zoning Appeals of five (5) members who shall be residents of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1<sup>st</sup>, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.~~

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

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

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

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

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

~~The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by Registered Mail to the parties in interest, and decide the same within thirty (30) days after submitted. Upon the hearing, any party may appear in person~~

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~~or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.~~

SECTION ~~XXIV~~<sup>24</sup>  
ENFORCEMENT

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

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

**24.01 GENERAL**

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

**24.02 ZONING PERMITS REQUIRED**

ALL STRUCTURES IN EXCESS OF 200 SQUARE FEET REQUIRE A ZONING PERMIT. No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, as provided by this Resolution.

**24.03 CONTENTS OF APPLICATION FOR ZONING PERMIT**

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

1. Name, address, and telephone number of applicant;
2. Name, address, and telephone number of property owner (if different from applicant)
3. Legal description of property;
4. Existing use;
5. Proposed use;
6. Zoning district;



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

#### **24.04 APPROVAL OF ZONING PERMIT**

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

#### **24.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION**

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

#### **24.06 EXPIRATION OF ZONING PERMIT**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled



permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

#### **24.07 RECORD OF ZONING PERMITS**

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

#### **24.08 FAILURE TO OBTAIN A ZONING PERMIT**

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

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

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

#### **24.10 COMPLAINTS REGARDING VIOLATIONS.**

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

#### **24.11 ENTRY AND INSPECTION OF PROPERTY**

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

#### **24.12 STOP WORK ORDER**

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

#### **24.13 ZONING PERMIT REVOCATION**

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

#### **24.14 NOTICE OF VIOLATION**

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

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

Service of notice of violation shall be as follows:

- a. By personal delivery to the person(s) responsible, or by leaving the notice at the usual place of residence by the owner with a person of suitable age and discretion;
- b. By Certified Mail deposited in the United States Post Office addressed to the person(s) responsible at a last known address. If a Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

#### **24.15 ENFORCEMENT OF ZONING REGULATIONS - TOWNSHIP ZONING INSPECTOR**

For the purpose of enforcing the zoning regulations, the Board of Township Trustees may provide for a system of zoning permits, and for this purpose may establish and fill the position of Township Zoning Inspector, together with such assistants as the Board deems necessary; fix the compensation for such positions; and make disbursements for them. The Township Fiscal Officer may be appointed Secretary of the Township Zoning Commission, Secretary of the Township Board of Zoning Appeals, and the Zoning Inspector, and he or she may receive compensation for such services in addition to other compensation allowed by law. See ORC 519.16.

#### **24.16 PENALTIES AND FINES**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm, or corporation who violates this Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (500) dollars and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

#### **24.17 ADDITIONAL REMEDIES**

Nothing in this Resolution shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Inspector, the County

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Prosecutor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

SECTION ~~XXV~~25  
AMENDMENTS

The Township Zoning Commission shall meet yearly or at any time upon call by the Chairman of said commission and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the Zoning resolution to the Board of Township Trustees the Township Zoning Commission shall hold not less than one (1) public hearing thereon notice of which shall be given by one (1) publication in one (1) or more newspapers of general circulation IN the Township at least ~~thirty (30)~~ ten (10) days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of a proposed amendment to the Zoning Resolution from the Township Zoning Commission and before adoption of any such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least ten (10) ~~thirty (30)~~ days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the Township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the township or part thereof included in the amendment to the zoning resolution and affected by the amendment, equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

SECTION ~~XXVI~~26  
INTERPRETATION

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.

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

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

SECTION ~~XXVII~~<sup>27</sup>  
VALIDITY

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

~~SECTION XXVIII~~  
~~DEFINITIONS~~

~~Interpretation of Terms or Words: For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:~~

- ~~1. The word "person" included a firm, association, organization, partnership, trust, company, or corporation as well as an individual.~~
- ~~2.1. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.~~
- ~~3.1. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.~~
- ~~4.1. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."~~
- ~~5.1. The word "lot" includes the words "plot" or "parcel."~~

~~ACCESSORY BUILDING: Building or buildings customarily incident to and located on the same lot with another building.~~

~~AGRICULTURE: Shall include land used for farming, dairying, pasturage, horticulture, viticulture, apiculture, Floriculture, animal and poultry husbandry. AS USED IN SECTIONS 519.02 TO 519.25 OF THE REVISED CODE, "AGRICULTURE" INCLUDES FARMING; RANCHING; ALGACULTURE MEANING THE FARMING OF ALGAE; AQUACULTURE; APICULTURE; HORTICULTURE; VITICULTURE; ANIMAL HUSBANDRY, INCLUDING, BUT NOT LIMITED TO, THE CARE AND RAISING OF LIVESTOCK, EQUINE, AND FUR-BEARING ANIMALS; POULTRY HUSBANDRY AND THE PRODUCTION OF POULTRY AND POULTRY PRODUCTS; DAIRY PRODUCTION; THE PRODUCTION OF FIELD CROPS, TOBACCO, FRUITS, VEGETABLES, NURSERY STOCK, ORNAMENTAL SHRUBS, ORNAMENTAL TREES, FLOWERS, SOD, OR MUSHROOMS; TIMBER; PASTURAGE; ANY COMBINATION OF THE FOREGOING; AND THE PROCESSING, DRYING, STORAGE, AND MARKETING OF AGRICULTURAL PRODUCTS WHEN THOSE ACTIVITIES ARE CONDUCTED IN CONJUNCTION WITH, BUT ARE SECONDARY TO, SUCH HUSBANDRY OR PRODUCTION.~~

~~ALTERATION: (See Structural Change)~~

~~AREA OF BUILDING:—Number of square feet included within the outside walls, excluding porches,  
——Breezeways, and attached garages.~~

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

~~CARPORT: PATIO: PORCH:—A structure projecting from the basic dwelling, either open or semi-enclosed.~~

~~CELLAR:—The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.~~

~~**CONTRACTOR'S STORAGE YARD (OR OPERATIONS) STORAGE YARD OPERATED BY, OR ON BEHALF OF, A CONTRACTOR FOR STORAGE OF LARGE EQUIPMENT, VEHICLES, OR OTHER MATERIALS COMMONLY USED IN THE INDIVIDUAL CONTRACTOR'S TYPE OF BUSINESS; STORAGE OF SCRAP MATERIALS USED FOR REPAIR AND MAINTENANCE OF CONTRACTOR'S OWN EQUIPMENT, AND BUILDINGS OR STRUCTURE FOR USES SUCH AS OFFICES AND REPAIR FACILITIES.**~~

~~CORNER LOT:—A lot, with two sides of which are bounded by margins of intersecting, dedicated,  
——Public or private highways.~~

~~DISTRICTS:—Areas designated on zoning map for development of a particular use.~~

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

~~FAMILY:—Any number of individuals, immediately related by blood, marriage, or adoption living and  
——Cooking together as a single housekeeping unit and shall include domestic occupants.~~

~~FRONT LOT LINE:—That property line or lines which coincide with road right-of-way boundary or  
——Boundaries.~~

~~FRONT YARD:—Minimum distance between a structure and the front lot line.~~

~~HEIGHT:—The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs to the deck line of mansard roofs;~~

~~and the mean height between eaves and ridge for gable, hip and gambrel roofs.~~

~~IN HOME BUSINESS: Business activities being conducted in or from the residential premises by the~~

~~Occupant of the residence.~~

~~HOME OCCUPATION: AN OCCUPATION OR ACTIVITY WHICH IS CLEARLY INCIDENTAL AND SECONDARY TO USE OF PREMISES AS A DWELLING AND WHICH IS CARRIED ON WHOLLY OR IN PART WITHIN A MAIN BUILDING OR ACCESSORY BUILDING BY A MEMBER OF THE FAMILY WHO RESIDES ON THE PREMISES~~

~~JUNK OLD OR SCRAP COPPER, BRASS, ROPE, RAGS, TRASH, WASTE, BATTERIES, PAPER, RUBBER, IRON, STEEL, AND OTHER OLD OR SCRAP FERROUS OR NONFERROUS MATERIALS, BUT DOES NOT INCLUDE SCRAP TIRES. (ORC 4737.05(A))~~

~~JUNK MOTOR VEHICLE A VEHICLE THREE MODEL YEARS OR OLDER THAT IS APPARENTLY INOPERABLE AND IS EXTENSIVELY DAMAGED, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING: MISSING WHEELS, TIRES, ENGINE, OR TRANSMISSION.~~

~~JUNK YARD: Where two or more unlicensed vehicles or scrap metal, paper, rages, glass or other junk are stored for salvage purpose or sale of used parts shall constitute a junk yard. AN ESTABLISHMENT OR PLACE OF BUSINESS THAT IS MAINTAINED OR OPERATED FOR THE PURPOSE OF STORING, KEEPING, BUYING OR SELLING JUNK (ORC 4737.05(B))~~

~~LOT: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum~~

~~Zoning requirements for use, coverage, and area, and to provide such yards and other open spaces~~

~~As are herein required. Such lot shall have frontage on an improved public street, or on an~~

~~Approved private street.~~

~~LOT AREA: The number of square feet included by the metes and bounds of the property line.~~

~~MANUFACTURED HOME ANY NON SELF PROPELLED VEHICLE TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IN TRAVELING MODE IS 8 FEET OR MORE IN WIDTH, OR 40 FEET OR MORE IN LENGTH OR, WHEN ERECTED ON SITE, IS 320 OR MORE SQUARE FEET, AND WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES~~



~~AND INCLUDES THE PLUMBING, HEATING, AIR CONDITIONING, AND ELECTRICAL SYSTEMS CONTAINED THEREIN AND WHICH CONFORMS TO THE FEDERAL CONSTRUCTION AND SAFETY STANDARDS ESTABLISHED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT PURSUANT TO THE "MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974."~~

~~MOBILE HOME A BUILDING UNIT OR ASSEMBLY OF CLOSED CONSTRUCTION THAT IS FABRICATED IN AN OFF SITE FACILITY, IS MORE THAN 35 BODY FEET IN LENGTH OR, WHEN ERECTED ON SITE, IS 320 OR MORE SQUARE FEET, IS BUILT ON A PERMANENT CHASIS, IS TRANSPORTABLE IN ONE OR MORE SECTIONS, AND DOES NOT QUALIFY AS A MANUFACTURED HOME. MOBILE HOMES WERE CONSTRUCTED PRIOR TO, AND DO NOT CONFORM TO THE 1974 HUD STANDARDS FOR MANUFACTURED HOMES. MOBILE HOME DOES NOT INCLUDE TRAVEL TRAILERS.~~

~~MOBILE HOME PARKS: Means a plot of ground upon which three (3) or more mobile homes  
Occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge  
Is made for such accommodations.~~

~~MOBILE HOME SHED: A structure attached to a mobile home at an exit to provide a sheltered ingress  
And egress.~~

~~MOTEL: A building in which lodging or boarding and lodging are provided and offered to the public  
For compensation. As such it is open to the public in contradistinction to a boarding house,  
Rooming house, lodging house, or dormitory.~~

~~MOTOR HOME A SELF PROPELLED RECREATIONAL VEHICLE THAT IS CONSTRUCTED WITH PERMANENTLY INSTALLED FACILITIES FOR COLD STORAGE, COOKING, AND CONSUMING FOOD, AND FOR SLEEPING.~~

~~MOTOR VEHICLE SALVAGE DEALER ANY PERSON WHO ENGAGES IN BUSINESS PRIMARILY FOR THE PURPOSE OF SELLING SALVAGE MOTOR VEHICLE PARTS AND SECONDLY FOR THE PURPOSE OF SELLING AT RETAIL SALVAGE MOTOR VEHICLES OR MANUFACTURING OR SELLING A PRODUCT OF GRADABLE SCRAP METAL.~~

~~MULTI FAMILY DWELLINGS APARTMENTS: A dwelling consisting of three (3) or more dwelling unites UNITS including condominiums with varying arrangements of entrances and party wall.~~

~~Multi-Family housing may include public housing and industrialized units **WITH EACH DWELLING UNIT CONSISTING OF A MINIMUM OF 720 SQUARE FEET OF LIVING SPACE**~~

~~**NON-CONFORMING USE:** Is a lot or parcel of land which does not comply with the regulations  
Established for the particular use, district or zone in which it is situated and was so prior to the adoption  
Of zoning.~~

~~**PARCEL:** An area of land shown as one unit on the County Auditor's map or duplicate.~~

~~**PLANNING COMMISSION:** Its use shall mean the Ashtabula County Planning Commission.~~

~~**PLAT:** When more than five (5) lots are created from a parcel of land or when a new road is to be  
Accepted by the Township Trustees for maintenance purposes.~~

~~**PLATTING:** Shall mean the platting for residential development in accordance with Ashtabula County  
Planning Commission regulations.~~

~~**PRIVATE STORAGE BUILDING:** A building for private storage only, and may be located on a parcel  
Of land with or without other buildings.~~

~~**PUBLIC WAY:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway,  
Highway, land, parkway right of way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle  
Path, or other ways in which the general public or a public entity have a right, or which are  
Dedicated, whether improved or not.~~

~~**REAR LOT LINE:** That property line opposite the designated front line.~~

~~**REAR YARD:** Minimum distance between a structure and rear lot line.~~

~~**RECREATION (CAMP & FACILITIES):** An area of land on which two (2) or more travel trailers,  
Campers, tents or other similar temporary recreational structures are regularly accommodated with or  
Without charge, including any building, structure or fixture of equipment that is used or intended~~

~~===== To be used in connection with providing such accommodations.~~

~~===== Public or private facilities that may be classified as either “extensive” or “intensive” depending~~

~~===== Upon the scope of services offered and the extent of use. Extensive facilities generally require and~~

~~===== Utilize considerable areas of land and include, but need not be limited to hunting, fishing, and~~

~~===== Riding clubs and parks. Intensive facilities generally require less land (used more intensively) and~~

~~===== Include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and~~

~~===== Bowling alleys.~~

~~RESIDENTIAL GARAGE: A structure or portion designed and used primarily for the housing of~~

~~===== Vehicles, automobiles, carriages, etc.~~

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

~~===== landscaped areas, viaducts, and bridges.~~

~~**ROOMING HOUSE: AN ESTABLISHMENT USED FOR DWELLING PURPOSES IN WHICH LODGING IS PROVIDED FOR COMPENSATION PURSUANT TO PREVIOUS ARRANGEMENTS IN GUEST ROOMS, BUT NOT OPEN TO PUBLIC OR OVERNIGHT GUESTS. ALSO KNOWN AS A BOARDING HOUSE**~~

~~SET BACK BUILDING LINE: Line perpendicular to the set back distance of the specified distance.~~

~~SET BACK DISTANCE: The minimum horizontal distance between the road right-of-way and the~~

~~===== Building line.~~

~~SIDE LOT LINE: Any lot line which is neither a front property line nor a rear property line.~~

~~SIDE YARD: Minimum distance between a structure and the side lot line.~~

~~SIGN: Any device designed to inform, or attract the attention of persons who are not on the premises on which the sign is located, whether permanent or temporary.~~

~~SINGLE FAMILY DWELLING: A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied~~

~~by a single family AND HAVING A MINIMUM OF 720 SQUARE FEET~~

~~STRUCTURAL CHANGE: (Alteration) As applied to a building or structure means a change or~~

~~Re-arrangement in the structural parts or in the means of egress; or an enlargement, whether by~~

~~Extending on a side or by increasing in height; or the moving from one location or position to~~

~~Another.~~

~~STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or~~

~~Attachment to something having a fixed location on the ground. Among other things, structures~~

~~Include buildings, mobile homes, walls, fences and billboards, however fences used for agriculture~~

~~Purposes shall not be considered a structure.~~

~~TENTS: A portable lodge of skins, canvas, strong cloth or other durable materials, stretched and sustained by poles, ropes or other means of securing and used for human shelter.~~

~~THOROUGHFARE: The full width between property lines bounding every public way or whatever~~

~~Nature, with a part thereof to be used for vehicular traffic and designated as follows:~~

- ~~1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.~~
- ~~2.1. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.~~
- ~~3.1. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation route within residential subdivisions.~~
- ~~4.1. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.~~
- ~~5.1. Local Street: A street primarily for providing access to residential or other abutting property.~~

~~TOURIST HOME AN ESTABLISHMENT USED FOR DWELLING PURPOSES IN WHICH ROOMS, WITH OR WITHOUT MEALS, ARE OFFERED TO TRANSIENT GUESTS FOR COMPENSATION, INCLUDING ESTABLISHMENTS KNOWN AS BED AND BREAKFASTS.~~

~~TRAVEL TRAILER A NON SELF PROPELLED RECREATIONAL VEHICLE THAT DOES NOT EXCEED AN OVERALL LENGTH OF 40 FEET, EXCLUSIVE OF BUMPER AND TONGUE OR COUPLING. TRAVEL TRAILERS INCLUDES A TENT-TYPE FOLD OUT CAMPING TRAILER.~~

~~TWO FAMILY DWELLING — DUPLEX:— A dwelling arranged, intended, designed and constructed or~~

~~— Re constructed under the same roof, to be occupied by two families living independent of each other~~

~~And having independent and separate living areas **WITH EACH LIVING AREA CONSISTING OF A MINIMUM OF 720 SQUARE FEET**~~

~~VARIANCE:— A variance is a modification of the strict terms of the relevant regulations where such~~

~~— Modification will not be contrary to the public interest and where owing to conditions peculiar to~~

~~— The property and not the result of the action of the applicant a literal enforcement of the regulations~~

~~— Would result in unnecessary and undue hardship.~~