

PIERPONT TOWNSHIP ZONING
RESOLUTION ADOPTED JUNE 1976

APRIL 20, 2021 FINAL
EFFECTIVE MAY 20, 2021

HISTORY:

PIERPONT TOWNSHIP ZONING RESOLUTION ADOPTED 1956
AMENDMENTS TO ZONING RESOLUTION JANUARY 1966
AMENDMENTS TO ZONING RESOLUTION FEBRUARY 1976
AMENDMENTS TO ZONING RESOLUTION MAY 2021

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COST TO COPY ZONING TEXT \$6.50
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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 – 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 2 DEFINITIONS

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

- 1.
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: 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 `)

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.

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.

CARPOR: **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, living and cooking together as a single housekeeping unit

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.

HOME OCCUPATION - An occupation 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:- 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 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:--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 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.

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 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 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 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, fire station, township hall, publicly owned park, and publicly owned playground.
4. Home occupations shall be permitted provided that the appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibration..
5. Gravel pit, oil wells, gas well, sugar bush.
6. Basement houses with a minimum floor area of 500 sq. feet will be permitted, providing a certificate 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.
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.
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.
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.

10. Manufactured Home – a Zoning Certificate shall be issued for commercially built mobile homes, providing said manufactured home has a minimum of not less than 500 sq. feet of living area. Said 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 be met and within 60 days from the date of issuance of certificate be connected with a septic tank located on the same lot which the manufactured home is situated, also have an adequate water supply upon the same lot, all in accordance with the requirements as are now or may be hereafter established by the County Dept. of Health. The certificate to be revoked if above requirements not met within time specified. (60 days)
11. - Manufactured Home Park – providing they meet the requirements of the laws of the State of Ohio regulating Manufactured Home Parks and all regulations on Manufactured home parks in accordance with the laws of the State of Ohio.
12. Cabins, tents and lumber cabins. A Zoning Certificate 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 certificate 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 certificate shall be the same as a residential dwelling certificate.
13. Permit agricultural processing, marketing activities in conjunction with agricultural enterprises, including storage and sales of commodities necessary to sustain above operations.
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.
15. Contracting operations are permitted, including sales, storage and service.
16. Public or private parks, playgrounds and other associated uses
17. Mobile food service operations, catering food service operations and seasonal food service operations

SECTION 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, and offices
5. Retail food establishments, mobile food service operations, catering food service operations and seasonal food service operations
6. Gasoline filling and automotive repair and service stations
7. Sales and service garages.
8. Funeral homes.
9. Banks and office buildings.
10. Fraternal lodges and private clubs

SECTION 7
HEAVY COMMERCIAL, INDUSTRIAL AND MANUFACTURING DISTRICT

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

1. Any use permitted in an Agr-R district or in a B district shall be permitted in an “T” district.
2. Junk yards, and/or motor vehicle salvage yards 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 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 Department of Commerce 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 9
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. Any 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, excluding those which are considered to be agricultural.

SECTION 10
OUTDOOR ADVERTISING

- 1) Intent. The intent of these Sign Regulations is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising and outdoor advertising signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and curb the deterioration of the natural environment and enhance community development.
- 2) General Terms and Conditions.
 - A. "Sign" means any display, figure, painting, drawing, placard, or other device visible from a public way which is designed, intended, or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object, or product. It may be a structure or part thereof painted on or attached directly or indirectly to a structure.
 - B. For a sign which is framed, outlined, painted, and otherwise prepared and intended to provide a background for a sign display, the area dimensions shall include the entire portion within such background or frame.
- 3) General Requirements for Signs in all Districts. A Zoning Certificate shall be required and the regulations contained in this section shall apply to all signs in all zoning districts.
 - A. No sign may be so arranged or erected in any district, so that it interferes with traffic through glare, blocking of reasonable sight lines for streets, sidewalks, driveways, or through confusion with traffic control devices by reason of color, shape, location or illumination.
 - B. No sign shall be placed on or above the roof of any building.
 - C. No sign erected or maintained in the window of a building visible from any public or private street or highway, shall occupy more than twenty-five percent (25%) of the window surface.
 - D. No sign or part thereof or any other advertising device shall contain or consist of banners, posters, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
 - E. No sign shall be placed in or above any public rights-of-way except publicly owned signs, such as traffic control signs and directional signs on faces of buildings and those must have a minimum clearance of nine (9) feet above any public sidewalk and fourteen (14) feet above public driveways or alleys. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- 4) Signs Permitted in all Districts. The following signs shall be permitted in all zoning districts.

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twenty-five (25) square feet in area, except in all residential districts where the area of the sign shall not be more than twelve (12) square feet.
 - B. Political Signs.
 - C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square foot in area.
 - D. Signs or bulletin boards customarily incidental to places of worship, libraries, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and shall be set back from all street lot lines at least twelve (12) feet.
 - E. All other signs are prohibited unless otherwise permitted in specific districts by other provisions of these Sign Regulations hereinafter.
- 5) Wall and Projecting Signs.
- A. In a business or industrial district, each business or industry shall be permitted one (1) projecting sign for each face of the building facing a street. No projecting sign shall project more than nine (9) feet outside the property line or extend to a point closer than two (2) feet from the curb line. Said sign shall be no less than nine (9) feet above the sidewalk line. Said sign shall have a maximum advertising face of fifteen (15) square feet (3 x 5). Such sign shall be limited to displaying only the name of the owner, trade names and symbols, products sold and the business activity on the premises where such sign is located.
 - B. In a business or industrial district, each business or industry shall be permitted one (1) wall sign for each face of the building facing a street. Such wall sign shall project not more than twelve (12) inches from the face of the building and shall not be over three (3) feet in height. Such sign shall be limited to displaying only the name of the owners, trade names and symbols, products sold and the business or activity of the premises where such sign is located.
- 6) Ground Signs.
- A. In a business or industrial district one (1) ground sign shall be permitted for each business or industrial establishment, provided no part of such sign shall project into the rights-of-way of any street or highway. The maximum area of any face of such sign shall not exceed thirty-two (32) square feet, the height shall not exceed twenty (20) feet, and any part of the sign shall not be less than fifty (50) feet from any residential lot line.
 - B. Such ground signs shall be limited to displaying only the name of the owners, trade name and symbols, products sold and the business or activity on the premises where such sign is located.
- 7) Temporary Signs.
- A. In all districts temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building displaying the name of the architect, the builders, or contractors may be erected for a period not to exceed sixty (60) days plus the event or construction period.

- 8) Pole Signs.
 - A. In any business and industrial district one (1) free-standing pole sign shall be permitted for each business or industrial establishment. Such sign shall not exceed thirty (30) feet in height and shall have a maximum advertising face area of thirty-two (32) square feet. Such pole signs shall be limited to displaying only the name of the owners, trade names and symbols, products sold and the business or activity on the premises where such sign is located.

- 9) Entrance and Exit Signs.
 - A. In all districts all parking lots having spaces for four (4) or more cars may have entrance and exit signs. Such signs shall not exceed five (5) square feet on any face and shall only display directional information.

- 10) Home Occupation Signs.
 - A. Home occupation signs shall be limited to displaying only the name of the owners, trade names and symbols, products sold and the business or activity on the premises where such sign is located.
 - B. Outdoor Advertising Displays and Billboards. Outdoor advertising displays and billboards shall be permitted only in business and industrial districts and along Federal Interstate Highways subject to the following provisions:
 - i. Such signs shall not be located within fifty (50) feet of an existing street right-of-way or in front of an established building line, whichever is greatest.
 - ii. Such signs shall not be located within required yards.
 - iii. Such signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street and walkways.
 - iv. Such signs shall not be located within two hundred (200) feet of any other outdoor advertising display or billboard on the same side of the street.
 - v. Such signs shall be located so as to be completely visible at a distance of one hundred fifty (150) feet by a motorist traveling in the direction for which the display is designed.
 - vi. Such sign shall not be located on or within fifty (50) feet of any building, within twenty (20) feet of any lot line or within fifty (50) feet of any residential area.
 - vii. The maximum display area for any one outdoor advertising display or billboard shall not exceed two hundred (200) square feet for one face and four hundred (400) square feet for two (2) or more faces, and in no case shall any motorist be exposed to more than two hundred (200) square feet of display area of such sign from any one viewpoint.
 - viii. The gross area of outdoor advertising display or billboard area shall not exceed one (1) square foot for each one (1) foot of frontage of the property of ownership on which the sign is located.

- 11) Setbacks at Intersections of Highways.

- A. At the intersection of any state or federal highway with an arterial or local thoroughfare, or other major intersection, the setback of any sign shall not be less than one-hundred (100) feet from the established right-of-way of each highway or street.
- 12) Alteration and Removal of Signs.
- A. The Zoning Inspector shall order the alteration or removal of any sign erected or mounted subsequent to the enactment of these sign regulations which does not comply with the provisions and requirements of same.
 - B. The Zoning Inspector shall order the alteration or removal within sixty (60) days of any sign which is considered a threat to the general safety or welfare due to blinking lights, moving parts, nearness to intersection, needed repair, or other valid reasons.
 - C. The Zoning Inspector shall institute and request proper legal proceedings or actions by the Board of Trustees when any order regarding the alteration, repair, or removal of any sign is not complied with.
 - D. The Township may in accordance with the manner prescribed by law or other existing regulations, alter, repair, or remove signs and recover the cost thereof when any order regarding the alteration, repair, or removal of such signs is not acted upon as required

SECTION 11 NON-CONFORMING USES

11.01 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 certificate 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.

11.02 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.

11.03 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.

11.04 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.

11.05 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.

11.06 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.

11.07 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.

11.08 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.

11.09 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.

11.10 TERMINATION OF USE THROUGH DISCONTINUANCE

When any nonconforming use is voluntarily 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.

11.11 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 Certificate 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.

11.12 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.

SECTION 12
PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

12.01 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.

12.02 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.

12.03 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.

12.04 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.

12.05 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.

12.06 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.

12.07 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.

12.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before conducting the public hearing required in Section 13.07, 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.

12.09 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.

12.10 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 13.07, 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 to the Ashtabula County Court of Common Pleas.

12.11 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 certificate 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.

12.12 AUTHORIZED VARIANCE

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

SECTION 13
SUPPLEMENTAL REGULATIONS

The following regulations shall not apply to those buildings and structures which are deemed agricultural:

13.01 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 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.

13.02 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.

13.03 SETBACK BUILDING LINES

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.

13.04 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 ten (10) feet 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.

13.05 CORNER LOTS

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

13.06 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.

13.07 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.

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13.08 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.

13.09 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.

13.10 SEXUALLY ORIENTED BUSINESSES

(I) PURPOSE AND INTENT

(A) In enacting this Resolution, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Pierpont Township Board of Trustees makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of Pierpont Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Pierpont Township

(2) The Pierpont Township Board of Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of Pierpont Township that demands reasonable regulation of adult entertainment establishments by Pierpont Township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by Pierpont Township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.(6) The Pierpont Township Board of Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Pierpont Township Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The Pierpont Township Board of Trustees has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Pierpont Township and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the Pierpont Township Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the Pierpont Township Board of Trustees to condone or legitimize the distribution of obscene material, and the Pierpont Township Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the Pierpont Township Board of Trustees in enacting this Resolution to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Pierpont Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Pierpont Township. The provisions of this Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Pierpont Township Board of Trustees in enacting this Resolution to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Pierpont Township Board of Trustees in enacting this Resolution to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23, the Pierpont Township Board of Trustees finds:

(1) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

(2) Certain employees of adult entertainment establishments, as defined in this Resolution as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in adult entertainment establishments featuring live nude or seminude

dancers constitute or may constitute the offense of “engaging in prostitution” under Section 2907.25 of the Revised Code.

(4) Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.

(7) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(8) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.

(9) Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.

(10) The enactment of this Resolution will promote the general welfare, health, morals, and safety of the citizens of this Township.

(II) DEFINITIONS

(A) As used in this Resolution:

(1) “adult bookstore,” “adult cabaret,” “adult motion picture theater,” “adult video store,” “characterized by,” “nude,” “nudity,” “state of nudity,” “seminude,” “state of seminudity,” “sexual device,” “sexual device shop,” “sexual encounter center,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in Section 2907.40 of the Revised Code; and

(2) “adult arcade,” “adult entertainment,” “adult entertainment establishment,” “adult novelty store,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “regularly features,” “regularly shown,” and “sexual encounter establishment” have the same meanings as in Section 2907.39 of the Revised Code.

(B) “EMPLOYEE” means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) “IMMEDIATE FAMILY” means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(D) “LICENSE” means a license to act or operate a sexually oriented business, issued pursuant to this Resolution.

(E) “LICENSEE” means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under this Resolution, licensee means an employee as defined by Section (II), sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(F) “OPERATE” means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. “Operate” or “Cause to be Operated” shall mean to cause to function or to put or keep in operation.

(G) “OPERATOR” means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) “PATRON” means any individual on the premises of a sexually oriented business, except for any of the following:

(1) An operator or an employee of the sexually oriented business;

(2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;

(3) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee’s or volunteer’s duties as a public employee or volunteer’s duties as a public employee or volunteer.

(I) “PERSON” means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) “PREMISES” means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually

oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(K) “SEXUALLY ORIENTED BUSINESS” means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of this Resolution, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

(L) “SPECIFIED CRIMINAL ACTIVITY” means any of the following offenses:

(1) Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;

(2) for which:

(a) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

(b) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

(3) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(M) “TRANSFER OF OWNERSHIP OR CONTROL” of a sexually oriented business shall mean any of the following:

(1) the sale, lease, or sublease of the business;

(2) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or

(3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(III) LICENSE REQUIRED

(A) No person shall:

(1) Operate a sexually oriented business as defined by Section (II), sub-section (K) without a valid sexually oriented business license issued by the Township pursuant to this Resolution.

(2) In connection with operating a sexually oriented business, retain the services of a person as an employee, as defined in this Resolution, who is not licensed as a sexually oriented business employee by the Township pursuant to this Resolution.

(B) Any person who violates sub-section (A)(1) above shall be guilty of a **second - degree misdemeanor** for a first offense, and a **first-degree** for a second offense.

(C) A violation of sub-section (A)(2) above shall be a ground for the suspension or revocation of a sexually oriented business license as provided for in Section (IX) of this Resolution.

(D) No person shall act as an employee, as defined in this Resolution, on the premises of a sexually oriented business without having secured a sexually oriented business employee license (“employee license”) pursuant to this Resolution.

(E) A violation of this section shall be a ground for the suspension or revocation of a sexually oriented business employee license as provided for in Section (IX) of this Resolution.

(IV) APPLICATION FOR LICENSE

(A) An original or renewal application for a sexually oriented business license shall be submitted to the Pierpont Township Board of Trustees or its designee on a form provided by the Pierpont Township Board of Trustees. The Township’s application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the Township to determine whether the applicant meets the qualifications established in this Resolution.

(B) A filing fee shall be paid at the time of filing the application.

(C) An application for a sexually oriented business license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.

(3) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also

obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

(D) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Resolution, and shall be considered a licensee if a license is granted.

(E) An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:

(1) If the applicant is:

(a) an individual, state the legal name and any aliases of such individual; or

(b) a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

(c) a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

(d) a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant has been convicted of a specified criminal activity as defined in this Resolution, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.

(4) State whether any applicant has had a previous license under this Resolution or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under this Resolution whose license has previously been denied, suspended or revoked, including the name and location of the

business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(5) State whether any applicant holds any other licenses under this Resolution or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(6) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.

(7) State the mailing address and residential address of each applicant and each person signing the application.

(8) Submit a recent photograph of each applicant who is a natural person, taken by the Ashtabula County Sheriff's Department that clearly shows the applicant's face.

(9) Submit the fingerprints of each applicant who is a natural person, recorded by the Ashtabula County Sheriff's Department.

(10) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.

(11) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(12) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.

(13) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(14) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the **Township** can determine whether the Resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Resolution's licensing and permitting requirements.

(15) The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with

the decision of the Sixth Circuit Court of Appeals in *Deja Vu of Cincinnati, L.L.C. v. Union Township*, 411 F.3d 777 (6th Cir. 2005).

(V) ISSUANCE OF A LICENSE

(A) Upon receipt of an application for a sexually oriented business license, the Zoning Inspector or its designee shall promptly request that the Board of Trustees review the information provided in the application concerning the criminal background of the applicant(s) and that the Zoning Inspector shall transmit the results of its investigation in writing to the Board of Trustees or its designee within five (5) days of the completion of its investigation.

(B) Within five (5) days of receipt of an application for a sexually oriented business, the Zoning Inspector or its designee shall notify the Township Fire Chief and the Health Commissioner of such application. In making such notification, the Board of Trustees or its designee shall request that the Fire Chief and Health Commissioner promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.

(C) The Fire Chief shall provide to the Board of Trustees or its designee a written certification of whether the premises are in compliance with the Pierpont Fire Regulations within ten (10) days of receipt of notice of the application.

(D) The Zoning Inspector or its designee shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the Township Zoning Resolution, the Township Property Maintenance Code, and the provisions of this Resolution related to physical characteristics of the premises, and whether the Township has received notice from any state or county agency of the premises being in violation of any applicable state building or property codes.

(E) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the Board of Trustees or its designee shall approve or deny the issuance of a license. The Board of Trustees or its designee shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:

- (1) An applicant who is a natural person is under eighteen (18) years of age.
- (2) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).
- (3) Except as provided in section (V)(H), an applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.

(4) An applicant has been convicted of a specified criminal activity as defined in this Resolution.

(5) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of this Resolution, the Township Zoning Resolution, the Township Property Maintenance Code, or state statute or regulation.

(6) The application and investigation fee required by this Resolution has not been paid.

(7) An applicant is in violation of or not in compliance with any provision of this Resolution, except as provided in Section (V), sub-section (F) of this section.

(F) If the Board of Trustees or its designee determines that one or both of the following findings is true, the license issued pursuant to this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Fire Chief or its designee or the Health Commissioner or its designee indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions.

(2) An applicant is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

(G) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(H) The Board of Trustees or its designee shall advise the applicant in writing within three (3) days of the Board's decision of the reasons for any license denial. If the Township finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

(VI) EXPIRATION AND RENEWAL OF LICENSE

(A) Each license issued pursuant to this Resolution shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(B) An application for renewal of a sexually oriented business license shall be submitted to the Zoning Inspector or its designee on a form provided by the Zoning Inspector along with a non-refundable processing and investigation fee. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material

submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(C) The Board of Trustees or its designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Resolution.

(D) The Board of Trustees or its designee shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

(E) An application for renewal of an employee license shall be submitted to the Zoning Inspector or its designee on a form provided by the Zoning Inspector along with a non-refundable processing and investigation fee. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Resolution. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

(F) When the Township denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if the Township finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one-year period.

(VII) SUSPENSION

(A) The Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

- (1) has violated or is not in compliance with any section of this Resolution; or
- (2) has knowingly allowed an employee to violate or fail to comply with any section of this Resolution.

(B) The Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section (V), sub-sections (B) – (C) of this Resolution or any other reasonable inspection.

(C) The Township shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or is not in compliance with any section of this Resolution.

(D) The Board of Trustees or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

(VIII) REVOCATION

(A) The Board of Trustees shall revoke a sexually oriented business license or employee license if a cause of suspension under this Resolution occurs and the license has been suspended two times within the preceding twelve (12) months.

(B) The Township shall revoke a sexually oriented business license if it determines that:

(1) a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

(2) the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Resolution, to correct specified deficiencies within 120 days;

(3) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(4) a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;

(5) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(6) a licensee has knowingly allowed any act of specified sexual activity, as defined in this Resolution, to occur in or on the licensed premises;

(7) a licensee has been convicted of a specified criminal activity, as defined in this Resolution, during the term of the license; or

(8) a licensee is delinquent in payment to the Township, County, or State for any taxes or fees that were assessed or imposed in relation to any business.

(C) The Township shall revoke an employee license if it determines that:

(1) the licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

(2) the licensee has knowingly acted as an employee on the premises of a sexually oriented business during a period of time when the licensee's license was suspended; or

(3) the licensee has been convicted of a specified criminal activity, as defined in this Resolution during the term of the license.

(D) The Board of Trustees or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.

(E) When the Township revokes a license pursuant to sub-sections (A), (B)(3) – (7), (C)(2) or (3) above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

(F) When the Township revokes a license pursuant to sub-sections (B)(1), (B)(8) or (C)(1) above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

(IX) APPEAL RIGHTS

(A) In the event that the Pierpont Township Board of Trustees denies, suspends, or revokes a new or renewal license under this Resolution, or any action taken on an appeal that is provided by this Resolution, the applicant may pursue an appeal to the Ashtabula County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the Pierpont Township Board of Trustees to render a decision on the application within the time prescribed in Section (IX), sub-section (A) above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to the Ashtabula County Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4*, 541 U.S. 774 (2004).

(B) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status quo of the licensee is maintained during the pendency of an appeal to the Pierpont Township Board of Trustees of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(C) Any licensee lawfully acting as an employee in a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Resolution, so that the status quo of the licensee is maintained during the pendency of an appeal to the Pierpont Township Board of Trustees of a decision rendered under this Resolution and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(D) In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Zoning Inspector or its designee pursuant to this Resolution. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, the Township has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.

(E) If, during the pendency of any appeal pursued under sub-section (B) above, there are additional denials of a renewal license application or suspensions or revocations of that license, the Township has the right to consolidate the appeal pursued under Section (XI), sub-section (B)

above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

(X) TRANSFER OF LICENSE

(A) A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

(B) An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed sexually oriented business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the Board of Trustees or its designee within fifteen (15) days of such transfer.

(XI) ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF A SEXUALLY ORIENTED BUSINESS

(A) Sexual Activity, Live Entertainment and Performances

(1) No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(2) Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by this Resolution, must be on a stage that is at least eighteen (18) inches from the floor, and at a distance at least eighteen (18) inches from all parts of a clearly designated area in which patrons will be present.

(3) All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twelve (12) inches from the floor and a distance of at least twelve (12) inches from all parts of a clearly designated area in which patrons will be present.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(5) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least two (2) feet from all patrons.

(6) Employees in a sexually oriented business shall maintain a minimum distance of two (2) feet from areas on the business premises occupied by patrons for a minimum of twenty (20) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.

(7) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or touch the clothing of any employee while that employee is nude.

(8) No employee who regularly appears nude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or allow the patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.

(9) The provisions of sub-sections (A)(1) – (8) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.

(10) In addition, sub-sections (A)(1) – (8) shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited to, glass or Plexiglas.

(B) **Minors Prohibited.** No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(C) **Hours of Operation.** No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit.

(XII) SEVERABILITY CLAUSE

If any section, sub-section, paragraph or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

13.11 FENCES, WALLS, HEDGES OR SIMILAR PLANTINGS OR STRUCTURES

Obstructions prohibited. No fence shall be erected or maintained in such a way as to obstruct the vision of motorists and/or prohibit an adjoining property owner from entering or exiting driveways. No fence or wall shall be erected within any public right-of-way.

SECTION 14
ADMINISTRATION

14.01 **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.

14.02 **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

14.03 **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.

14.04 **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 certificates 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 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.

14.05 **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.

14.06 **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.

14.07 **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.

14.08 **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.

14.09 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.

14.10 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 certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in this Resolution.
4. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated. The Board of Zoning Appeals shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under item 4 of this section and of 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 certificate 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 certificate. 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 certificate may present evidence and examine witnesses appearing for or against the holder of such variance or certificate. If no hearing is requested, the Board of Zoning Appeals may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.
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.

Any owner subject to action before the Board of Zoning Appeals shall display a placard provided by the Board on the parcel involved in the action.

14.11 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. 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.

14.12 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.

14.13 SCHEDULE OF FEES. The Board of Trustees shall by Resolution establish a schedule of fees for zoning certificates, 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.

SECTION 15 ENFORCEMENT

15.01 GENERAL

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

15.02 ZONING CERTIFICATE REQUIRED

A Zoning Certificate shall be required for any of the following:

1. Construction or exterior alteration of any building, including accessory buildings, excluding those used for agricultural purposes.
2. Change in use of an existing building or accessory building to a use of a different classification.
3. Occupancy and use of any land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a non-conforming use.

Zoning certificates 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.

15.03 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

The application for zoning certificate 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 certificate 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. Two (2) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to the changes in its use, in whole or in part, and such other items as may be required. Such drawing shall include distances from sidelines, rear lines, front lines and acreage of the subject property.
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 certificate 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.

15.04 APPROVAL OF ZONING CERTIFICATE

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 certificates 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. In the event that the Zoning Inspector denies an application, the Inspector shall provide a written decision to the applicant, detailing the reason for denial. Applicant shall have the right to appeal the denial to the Board of Zoning Appeals within thirty (30) days of the date of the written decision. Such hearing shall be at the next regularly scheduled Board meeting.

15.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION

See Section 5511.01 of the Ohio Revised Code

15.06 EXPIRATION OF ZONING CERTIFICATE

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate 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 certificate has not been substantially completed within two (2) years of the date of issuance thereof, said certificate 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 certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.

15.07 RECORD OF ZONING CERTIFICATES

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

15.08 FAILURE TO OBTAIN A ZONING CERTIFICATE

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

15.09 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, CERTIFICATES

Zoning certificates 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.

15.10 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.

15.11 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.

15.12 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.

15.13 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.

15.14 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 certificates, 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.

15.15 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.

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

SECTION 16
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. Such amendments shall be governed by Section 519.12 of the Ohio Revised Code. Any parcel being considered for a zoning map amendment shall display a placard provided by the Township.

SECTION 17
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.

SECTION 18
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.