PIERPONT TOWNSHIP ZONING

RESOLUTION ADOPTED JUNE 1976

HISTORY:

PIERPONT TOWNSHIP ZONING RESOLUTION ADOPTED 1956

AMENDMENTS TO ZONING RESOLUTION JANUARY 1966

AMENDMENTS TO ZONING RESOLUTION FEBRUARY 1976

COST TO COPY ZONING TEXT $6.50 UNLESS BORROWED & RETURNED

COST TO COPY PIERPONT MAPS $10.00 EA

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 I – 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 II – DISTRICTS

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

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

The districts as shown on the map hereto attached are hereby established and said map is made a part of

this resolution. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the districts in which it is located.

SECTION III – 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 IV – 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. Tourists homes, rooming houses, and boarding homes.
3. Church, school, college, university, public library, public museum, lodges and temples, community center, institutions of an educational or philanthropic character other than correctional, fire station, township hall, publicly owned park, and publicly owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him or his private residence providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this resolution, and further providing not more than 33% of the area of the first floor of said dwelling house be used for said office or home occupation.
5. Gravel pit, oil wells, gas well, sugar bush.
6. Roadside stands consisting of structures used for the display and sale of agricultural products provided:
7. Such stands are not in the road right-of-way.
8. Such stands are at least twenty (20) feet back from the traveled portion of the road.
9. Adequate facilities are maintained for off the road parking of customer’s vehicles.
10. More than 50% of the products sold on such roadside stands are agricultural products raised on the premises.
11. That such roadside stand be so designed and constructed that it can be removed when not in use.
12. Basement houses with a minimum floor area of 500 sq. feet will be permitted, providing a permit is issued for a 1 ½ or 2 story house of 790 sq. feet for a one story house, for a temporary building not to exceed two (2) years, with roof, siding and windows to be installed by the end of the two (2) years and providing that said lot is adequately improved and landscaped within one (1) year from commencement of construction.
13. 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.
14. All human habitations in all districts must have at least two exits, and they must be doors which are not adjacent.
15. 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.
16. 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 rst 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.
17. Mobile Homes – a permit shall be issued for commercially built mobile homes, providing said mobile home has a minimum of not less than 500 sq. feet of living area. Said mobile 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 also be conformed with. (Each mobile home must be equipped with a water flushed toilet or water closet, and within 60 days from the date of issuance of permit be connected with a septic tank located on the same lot which the mobile home is situated, also have an adequate water supply upon the same lot, all in accordance with the requirements as are now or maybe hereafter established by the County Dept. of Health. The permit to be revoked if above requirements not met within time specified.)
18. Mobile Home Park – providing they meet the requirements of the laws of the State of Ohio regulating mobile home parks and all regulations on mobile home parks adopted by the public health council in accordance with the laws of the State of Ohio.
19. Cabins, tents and lumber cabins. A permit shall be issued for cabins, tents and lumber cabins not to exceed a period of 30 days, when said cabins, tents, and lumber cabins are used as temporary living quarters only. Said permit shall not be renewed more than two additional periods of 30 days each and then only if said cabins, tents or lumber cabins are maintained in a clean, sanitary and sufficiently suitable condition as determined by the zoning inspector. The fee for each permit shall be the same as a residential dwelling permit.
20. All human habitation in all districts hereinafter erected must have inside sanitary facilities connected to a sanitary disposal system meeting county health dept. standards and must have adequate water supply, except cabins, tents and lumber cabins as provided in paragraph 14 above.
21. Permit agricultural processing, marketing activities in conjunction with agricultural enterprises, including storage and sales of commodities necessary to sustain above operations.

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

Contracting operations are permitted, including sales, storage and service.

SECTION V

BUSINESS AND NEIGHBORHOOD COMMERCIAL DISTRICT

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

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

SECTION VI

HEAVY COMMERCIAL, INDUSTRIAL AND MANUFACTURING DISTRICT

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

1. Any use permitted in an Agr-R district or in a B district shall be permitted in an “I” district.
2. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes or dismantling used cars provided the area used for any or all the above purposes has a solid painted or solid evergreen fence of a least 5 feet in height between said area and any public highway upon which it borders, which fence shall have a set back 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 VII

RECREATIONAL DISTRICT

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

Permitted Uses:

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

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

SECTION VIII

SPECIAL USE DISTRICT

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

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

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

No uses have been established for this district.

SECTION IX

PROHIBITED USES

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

1. Dumps or places for the disposal of sewage and garbage unless operated by or for the Board of Township Trustees.
2. Any other business or industry that is considered to be noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration or that would create a fire hazard or be aesthetically obnoxious of psychologically distasteful.

SECTION X

OUTDOOR ADVERTISING

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

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

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

1. On site signs not larger than 15 sq. feet in area shall be permitted in any district provided they are not located within the road right-of-way.
2. On site signs not larger than 100 sq. feet in area shall be permitted in any district provided they have a minimum set-back from the road side line of 10 feet.
3. An outdoor advertising off-site sign or billboard, other than those mentioned in Paragraphs 1 and 2 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
4. No outdoor advertising signs, except those mentioned in Paragraphs 1 and 2 of this section, shall be located within 100 feet of any intersection unless affixed to a building.
5. No outdoor advertising sign, except those mentioned in Paragraphs 1 and 2 of this section, shall be placed nearer any street or road than the minimum set-back building line.
6. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway.
7. Political campaign signs advertising candidates or issues may be permitted for a period not exceeding 60 days before the election concerned and shall be removed within 10 days after said election.

SECTION XI

NON-CONFORMING USES

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

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

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

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

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

SECTION XII

PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities or railroads.

SECTION XIII

MINIMUM LOT AREA

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

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

SECTION XIV

MINIMUM LOT WIDTH

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

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

SECTION XV

SET-BACK BUILDING LINES

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

SECTION XVI

SIDE YARDS

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

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

SECTION XVII

CORNER LOTS

The set-back building line on a corner lot shall be in accordance with the provisions of Section XV of this ordinance with provisions applicable to each street bordering said corner lot.

SECTION XVIII

REAR YARDS

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

SECTION XIX

MAXIMUM HEIGHT OF BUILDINGS

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

SECTION XX

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) fet distance from an entrance to said establishment of an area not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.

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

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

SECTION XXI

HIGHWAYS

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

SECTION XXII

ZONING CERTIFICATE

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

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

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

Mobile Home $10.00

Dwellings 10.00

Alteration/addition 6.00

Accessory building 4.00

Commercial building 14.00

Mobile Home Park 50.00 + per Mobile home $6.00

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

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

SECTION XXIII

BOARD OF ZONING APPEALS

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

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

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

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

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

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

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by Registered Mail to the parties in interest, and decide the same within thirty (30) days after submitted. Upon the hearing, any party may appear in person or by attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the ground that such decision was unreasonable or unlawful.

SECTION XXIV

ENFORCEMENT

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

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

SECTION XXV

AMENDMENTS

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

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

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

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

SECTION XXVI

INTERPRETATION

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

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

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

SECTION XXVII

VALIDITY

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

SECTION XXVIII

DEFINITIONS

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

1. The word “person” included a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. 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.

AGRICULTURE:--Shall include land used for farming, dairying, pasturage, horticulture, viticulture, apiculture,

Floriculture, animal and poultry husbandry.

ALTERATION:--(See Structural Change)

AREA OF BUILDING:--Number of square feet included within the outside walls, excluding porches,

Breezeways, and attached garages.

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

Level of the adjoining ground.

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

CELLAR:--The portion of the building partly underground, having half or more than half of its clear height

Below the average grade of the adjoining ground.

CORNER LOT:--A lot, with two sides of which are bounded by margins of intersecting, dedicated,

Public or private highways.

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

DWELLING:--Any building or structure (except a house trailer or mobile home as defined by Ohio Revised

Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or

More human occupants.

FAMILY:--Any number of individuals, immediately related by blood, marriage, or adoption living and

Cooking together as a single housekeeping unit and shall include domestic occupants.

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

Boundaries.

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

HEIGHT:--The vertical distance measured from the average elevation of the proposed finished grade at the

Front of the building to the highest point of the roof for flat roofs to the deck line of mansard roofs,

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

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

Occupant of the residence.

JUNK YARD:--Where two or more unlicensed vehicles or scrap metal, paper, rages, glass or other junk

Are stored for salvage purpose or sale of used parts shall constitute a junk yard.

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.

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.

MULTI-FAMILY DWELLINGS-APARTMENTS:--A dwelling consisting of three (3) or more dwelling

Unites including condominiums with varying arrangements of entrances and party wall. Multi-

Family housing may include public housing and industrialized units.

NON-CONFORMING USE:--Is a lot or parcel of land which does not comply with the regulations

Established for the particular use, district or zone in which it is situated and was so prior to the adoption

Of zoning.

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

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

PLAT:--When more than five (5) lots are created from a parcel of land or when a new road is to be

Accepted by the Township Trustees for maintenance purposes.

PLATTING:--Shall mean the platting for residential development in accordance with Ashtabula County

Planning Commission regulations.

PRIVATE STORAGE BUILDING:--A building for private storage only, and may be located on a parcel

Of land with or without other buildings.

PUBLIC WAY:--An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway,

Highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle

Path, or other ways in which the general public or a public entity have a right, or which are

Dedicated, whether improved or not.

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

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

RECREATION (CAMP & FACILITIES):--An area of land on which two (2) or more travel trailers,

Campers, tents or other similar temporary recreational structures are regularly accommodated with or

Without charge, including any building, structure or fixture of equipment that is used or intended

To be used in connection with providing such accommodations.

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

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

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

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

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

Bowling alleys.

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

Vehicles, automobiles, carriages, etc.

RIGHT-OF-WAY:--A strip of land taken or dedicated for use as a public way. In addition to the roadway,

It normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may

Include special features (required by the topography or treatment) such as grade separation,

Landscaped areas, viaducts, and bridges.

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 neigher 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.

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.

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.

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.