

PREAMBLE

A resolution providing for the zoning of the unincorporated area of Jefferson Township, Ashtabula County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 519, Ohio Revised Code, 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 unincorporated area of the township into zones and districts of such number, sizes, and shapes as are deemed best suited to carry out said purposes, promoting the orderly development of residential, commercial, agricultural, recreational, and public areas, and providing for a method of administration and enforcement of this resolution.

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Jefferson Township;

SECTION I - PURPOSE

For the purpose of promoting the public health, general welfare, safety, comfort and morals to conserve and protect property and property values; to secure the most appropriate use of land, all in accordance with a comprehensive plan, the Board of Trustees of Jefferson Township find it necessary and advisable to regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures including signs, tents, cabins, trailer coaches, mobile homes, wheelless modular homes, and storage tanks, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density or population, the uses of buildings and other structures including signs, tents, cabins, trailer coaches, mobile homes, wheelless modular homes, and storage tanks, and the use of land for trade, industry, residence, recreation, or other purposes divides the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but regulations in one district or zone may differ from those in other districts or zones.

SECTION II - DISTRICTS

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

1. RESIDENTIAL, which shall be designated as "R" districts,
2. BUSINESS AND COMMERCIAL, which shall be designated as "B" districts,
3. RECREATIONAL-CAMPING, which shall be designated as "RC" districts,
4. LIGHT MANUFACTURING-INDUSTRIAL, which shall be designated as "LMI" districts.

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

IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signatures of the members of the Board of Trustees at the time of the adoption of this resolution and attested by the Township Clerk.

INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Where district boundaries are indicated as approximately following the centerline of thoroughfares or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the right-of-way line of said railroad.

RESIDENTIAL DISTRICTS

All unshaded areas not specifically stated otherwise are zoned Residential-Agricultural.

COMMERCIAL DISTRICTS

Commercial District #1

Beginning at the place where the centerline of State Highway 46 and State Highway 167 intersect thence easterly along the centerline of State Highway 167 approximately 2,500 feet to the right-of-way of the Conrail Railroad track, thence north-easterly along said right-of-way line approximately 5,688 feet to an East-West line drawn to the intersection of the center lines of State Highway 46 and North Market Street and dividing Plots 47 and 48, thence westerly along said line approximately 2,625 feet to said intersection, thence south-westerly along the centerline of State Highway 46 approximately 1,438 feet to an East-West line dividing Lots 58 and 59, thence westerly along said line, which constitutes the northern boundaries of Lots, 3, 18, 23, 38, 43, and 58, approximately 3,812 feet to a North-South line continuous with a North-South line which constitutes the western boundaries of Lots 3, 4, 5, 6, 7, 8, 9, and 10, thence southerly along said western boundary line approximately 4,062 feet, to where said North-South line intersects with the centerline of State Highway 307, thence easterly along the centerline of State Highway 307 approximately 2,812 feet to the place of beginning. Properties within these boundaries (with the exception of Lots 11, 12, 13, 14 and portions of Lots 29 and 30 which are incorporated into the Village of Jefferson) are zoned commercial.

Commercial District #2

Beginning at the place where the centerline of State Highway 46 and the West-East line that constitutes the northern boundary of Plot 42 intersects easterly for approximately 3,500 feet along said boundary line, thence northerly for approximately 375 feet, thence easterly approximately 688 feet to the right-of-way line of the Conrail Railroad track, thence south and south-westerly along said right-of-way approximately 2,625 feet to an East-West line contingent with the east-west line which constitutes the northern boundary of Plot 44, thence westerly along said line for approximately 3,688 feet where said line intersects with the centerline of State Highway 46, thence northerly along said centerline approximately 2,188 feet to the place of beginning. Properties within these boundaries are zoned commercial.

Commercial District #3

Beginning at the place where the centerline of State Highway 46 intersects with the northern boundary line separating Jefferson Township and Plymouth Township thence easterly along said boundary line for approximately 4,250 feet to the right-of-way of the Conrail Railroad track, thence southerly along said right-of-way approximately 2,625 feet, thence westerly approximately 750 feet, thence southerly approximately 375 feet to the East-West line that constitutes the northern boundary of Plot 42, thence westerly along said boundary approximately 3,500 feet to the centerline of State Highway 46, thence northerly along said centerline of State Highway 46, approximately 3,000 feet to the place of beginning. Properties within these boundaries are zoned commercial.

RECREATIONAL - CAMPGROUND DISTRICTS

Recreational - Campground District #1

This area encompasses Plot 41, consisting of approximately 100 acres located on the east side of State Highway 46. Beginning at a point on the centerline of State Highway 46 approximately 3,000 feet south of the northern boundary line of Jefferson Township,
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thence easterly along the northern boundary line of Plot 41 approximately 3,500 feet, thence northerly approximately 375 feet, thence easterly 750 feet to the right-of-way of the Conrail track, thence southerly approximately 1,312 feet along said right-of-way, thence westerly 688 feet, thence southerly 375 feet to a line that constitutes the northern boundary of Plot 42, thence westerly along said boundary approximately 3,500 feet to the centerline of State Highway 46, thence northerly approximately 1,312 feet to the place of beginning.

Recreational - Campground District #2

This area encompasses the property of R.J. and E.H. Buchan bounded on the North by the Anderson property, on the South by the Ondrejovic property, and on the East by the Bingham property. This property consists of approximately 91 acres located on the west side of State Highway 307. Beginning at a point on the centerline of State Highway 307 approximately 2,250 feet from the western boundary of Jefferson Township, thence westerly along the Anderson-Buchan boundary line approximately 1,625 feet to the western boundary of Jefferson Township, thence southerly along said Jefferson Township boundary line approximately 2,188 feet to the northern boundary of the Ondrejovic property, thence easterly along said boundary approximately 1,688 feet to the north-south boundary of the Bingham property, thence northerly along said boundary approximately 688 feet, thence easterly following the Buchan boundary line approximately 375 feet, thence northwesterly following the Buchan boundary line approximately 1,000 feet, thence northwesterly approximately 250 feet to the centerline of State Highway 307, thence northwesterly along said centerline approximately 312 feet to the place of beginning.

Recreational - Campground District #3

This area encompasses the property of R. Buchan consisting of approximately 21 acres located on Creek Road. Beginning at a point where the Jefferson Township - Austinburg Township boundary intersects the centerline of Creek Road, thence northerly along said Jefferson Township - Austinburg Township boundary line approximately 1,375 feet to the southern boundary line of the Ondrejovic property, thence easterly along said boundary line approximately 1,250 feet to a southwesterly line corresponding to the location of Mill Creek, thence southwesterly along said line on the Buchan property line approximately 1,500 feet to the western boundary of the Allen property, thence southerly along the Allen-Buchan property line approximately 375 feet to the centerline of Creek Road, thence westerly along said centerline approximately 125 feet to the place of beginning.

Properties within the boundaries of Recreational - Campground districts #1, #2, and #3 are zoned Recreational - Campground.

LIGHT MANUFACTURING - INDUSTRIAL DISTRICT

Beginning at the place where the center lines of State Highway 46 and North Market Street intersect, thence easterly along an east-west line lying between Plots 47 and 48 approximately 2,625 feet to the right-of-way line of the Conrail Railroad track, thence northeasterly along said right-of-way line approximately 2,125 feet to the centerline of Perry Road, thence westerly along said centerline of Perry Road approximately 1,000 feet, thence northerly along a north-south line approximately 1,500 feet to an east-west line that constitutes the northern boundary of Plot 44, thence westerly approximately 2,250 feet to the centerline of State Highway 46, thence southerly approximately 3,562 feet along said centerline to the place of beginning. Also the properties are known as WEK Industries, Parmco Industries, KEN Forge, and Worthington Cylinders.

Properties within these boundaries are zoned Light Manufacturing-Industrial.

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.

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 agriculture or any form thereof as set forth in Ohio Revised Code 519.01 shall be subject to the regulations contained in this zoning resolution as not being a structure or building incident to or necessary for the purpose of agricultural use.

SECTION IV - DEFINITIONS

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

1. The word "person" includes, 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, and 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 USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

AGRICULTURE: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture shall also include the cutting, sawing, and removing of timber and forestry.

AIRPORT: Any runway, land area, or other facility designed or used either publicly or privately be any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY: SEE THOROUGHFARE

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns or girders.

AUTOMOTIVE, REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOTIVE: MOBILE HOME, TRAVEL TRAILER, AUTOMOBILE, TRUCK, RECREATIONAL VEHICLE, BOAT, AND FARM IMPLEMENT SALES: The sale or rental of new and/or used motor vehicles, mobile homes, travel trailers, or farm implements and/or machinery, including repair work incidental thereto, which are displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

BASEMENT: That portion of a building which is partly underground and which has one-half or more of it's height above the average finished grade of the ground adjoining the building. (See: CELLAR)

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

BUILDING ACCESSORY: A subordinate building detached from, but located on the same lot as, the principle building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, AREA OF: SEE FLOOR AREA

BUILDING, 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.

BUILDING LINE: A line established by the zoning resolution, generally parallel with, and measured from, the lot line to the outside foundation lines of the principle building, defining the placement of the building on the lot.

BUILDING PRINCIPLE: A building in which is conducted the main or principle use of the lot on which said building is situated.

CELLAR: That portion of the building wholly below, or with less than half of its ceiling height above, the average finished grade of the ground adjoining the building. (See: BASEMENT)

CEMETERY: Land used or intended to be used for the burial of the human or the animal dead and dedicated for CEMETERY purposes, including crematories, mausoleums, and mortuaries if operated in connection and within the boundaries of such CEMETERY.

CHAIRMAN: Wherever used in this resolution shall include the presiding officer of either male or female sex.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CLINIC: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB: A building, or portion thereof, or premises owned, or operated by, a person or persons for a social, literary, political, education, or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving the day-to-day need of the community, also provide the more durable and permanent needs of the whole community. Commercial uses include, but need not be limited to, retail and/or wholesale outlets, convenience shops, recreational and/or entertainment facilities, service facilities, offices tourist homes, rooming houses, boarding houses, motel and/or hotels, apartment houses, multi-family dwellings, condominiums, barbershops and/or beauty parlors, studios, clubs, restaurants, gasoline filling and/or service stations, clinics, hospitals, sanitariums, rest and/or rehabilitation homes, and veterinarian hospitals and/or clinics and dog kennels.

CORNER LOT: See: LOT TYPES

CUL-DE-SAC: See THOROUGHFARE

DEAD-END STREET: See THOROUGHFARE

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

DWELLING: A 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.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single family dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling consisting of two dwelling units which shall be attached either side by side or one above the other, and each unit having separate or combined entrance.

DWELLING, MULTI-FAMILY or APARTMENT HOUSES: A dwelling of three or more dwelling units including condominiums with varying arrangements of entrances and partition walls. Multi-family housing may include public housing and industrialized units.

DWELLING, INDUSTRIALIZED UNIT, WHEELLESS MODULAR:

A. DWELLING, MANUFACTURED HOME: Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and is forty (40) feet or more in length, and which is built on a permanent chassis and originally designed to be used as a dwelling when connected to the required utilities and includes the necessary plumbing, heating, and electrical systems. Any such structure as defined in the previous sentence shall be a Manufactured Home for the purposes of this resolution whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a Manufactured Home, and whether or not such a structure is permanently attached to the site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of the towing tongue, and/or situation on the property owned by the owner of such structure. All manufactured homes shall be subject to the regulations, dimensions and standards as set forth in SECTION V and any other applicable SECTION of this resolution, that is, each manufactured home unit shall be designed to be compatibly incorporated with similar units at the building site into one structure to comply with the same standards and dimensions as a site-built home. This dwelling unit shall bear a label certifying that is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. Excluded from this definition are units known as mobile homes, travel trailers and camping trailers.

B. DWELLING, MODULAR HOME: Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same regulations, standards, and dimensions as site-built homes, as set forth in SECTION V and all other applicable sections of this resolution.

C. DWELLING, SITE-BUILT: Dwelling unit constructed on the site (lot) in accordance to the BOCA Basic Building Code and inspected/approved by the Ashtabula County Department of Building Regulations. Site-build homes shall be subject to the regulations, standards, and dimensions set forth in SECTION V and all other applicable sections of this resolution.

DWELLING, ROOMING HOUSE, (TOURIST HOME, BOARDING HOUSE, LODGING HOUSE, DORMITORY): A dwelling, or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

EASEMENT: Authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or governmental agencies, of underground gas, electrical, steam or water transmission or distribution systems, collection, communication, including poles, wires, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing or adequate service by such public utilities or governmental agencies or for the public health or safety or general welfare, but not including buildings, supply or waste disposal systems or sites.

FAMILY: One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption, marriage, or are minors under foster care.

FARM VACATION ENTERPRISES, OUTDOOR RECREATIONAL FACILITIES (PROFIT OR NON-PROFIT): Farms adapted for use as vacation farms, picnicking, fishing waters, camping, scenery and nature recreation areas, watershed projects, and golf courses.

FENCE: A structure erected around, or by the side of, any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, animals, etc.

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average of the one hundred (100) year recurrence interval flood.

FLOODWAY: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely in the floodway.

FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain conditions.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (to be used in calculating parking requirements): The floor area of the specific use excluding stairs, washrooms, elevator shafts, and maintenance shafts.

FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding cornices, porches, terraces, sun porches, attached garages, and basement floor areas not devoted to residential use. All dimensions shall be measured from the interior faces of the exterior wall.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, and canneries.

GARAGES, PRIVATE: A detached accessory building or portion of the principle building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to a person not resident on the premises.
2. No more than two commercial vehicles per dwelling unit are parked or stored.
3. The commercial vehicles permitted not exceed two (2) tons capacity each.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles may be supplied and dispensed at retail, and where in addition, the following services may be rendered and/or sales made:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provision of road maps and other information material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, or other work involving glare, noise, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair shop or body shop.

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

1. No more than one person, other than members of the family residing on the premises, shall be engaged in such home occupation;

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; the use of the garage and/or accessory building shall not be permitted in the conduct of the home occupation; the area in the dwelling used for the home occupation shall not exceed thirty-three (33) percent of the ground floor area of said dwelling unit providing said area does not exceed a maximum allowable area of five hundred (500) square feet used for the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, such as window displays or signs, yard displays and/or other customary commercial devices, or advertising other than one hand-painted, or stenciled, non-illuminated, non-moving sign, such sign shall not exceed nine (9) square feet in area; plastic or three dimensional (raised) lettering or other protruding devices are not permitted;

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Section 19 of this resolution, and shall not be located in a required front yard;

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and/or surgical attention, and who may be provided with board or room or kept overnight on the premises.

HOTEL, MOTEL, and APARTMENT HOUSE: 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 which is separately defined.

INSTITUTION, REST HOME, SANITARIUM: Building and/or land designed to aid individuals in need of mental or physical therapeutic, rehabilitative, counseling, or other correctional service.

JUNK: Old or scrap metals of any kind, rope, rags, trash, waste of any kind, batteries, rubber, paper; dismantled or wrecked automobiles and/or machinery or parts thereof; glass, plastics and other old or scrap metallic or non-metallic materials.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS, WASTE DISPOSAL SITES, RECLAMATION SITES: Any land, property, structure, building, or combination of the same, on which junk, petroleum waste products and/or any and all byproducts, chemical waste products and/or any and all byproducts, nuclear or radioactive waste products and/or any and all byproducts (solid, liquid, or gaseous) is stored, handled, or processed.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking is filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street spaces shall be located totally outside of any street or alley right-of-way.

LOT: For the purpose 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 publicly dedicated street, or on a privately dedicated street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT FRONTAGE: The frontage of the lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "YARDS" in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or privately dedicated street.

LOT MEASUREMENTS: A lot shall be measured as follows:

1. DEPTH: The distance between the mid-points or straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot measured at the building setback line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. CORNER LOTS: A lot located at the intersection of two or more streets.
2. INTERIOR LOTS: A lot with only one frontage on a street.
3. THROUGH LOTS: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive service and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, odor, dust, vibration, glare, air pollution, and water pollution.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; clean, quiet, and free of objectionable or hazardous elements such as explosives, toxic fumes, smoke, glare, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MODULAR HOME: See DWELLING, INDUSTRIAL UNIT

MOBILE HOME: A movable or portable structure designed and constructed to be self-propelled or towed as a unit, or units, on its, or their, own chassis and running gear on the public streets or highways, whether or not designed, constructed, and equipped with the necessary service connections for human occupancy and habitation as a "dwelling unit" whether or not resting on wheels, jacks, or other supports from which such structure(s) can be readily removed and transported.

NON-CONFORMITIES: A building, structure, or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

NURSERY, GREENHOUSE:

1. **AGRICULTURAL:** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, plants, fruits, or vegetables cultivated on the premises and offered for retail sale on the premises.
2. **COMMERCIAL:** Land, building, structure, or combination thereof for the storage of trees, shrubs, plants, fruits, or vegetables not cultivated on the premises and offered for retail or wholesale on the premises.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, water areas, swimming pools, and tennis courts. Streets, parking areas, structures for habitation, and the like shall not be included.

PARKING SPACE, OFF-STREET: For the purposes of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street, road, or alley and maneuvering room, but shall be located totally outside of any street, road, or alley right-of-way.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public; such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and/or subordinate commercial facilities are accommodated in a pre-planned environment under more flexible standards, such a lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and other similar professions.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USE: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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 way in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI-PUBLIC USES: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an education, religious, charitable, philanthropic, or non-profit nature.

RECREATIONAL CAMPGROUND: Public or private facilities and land used for temporary human occupancy in tents, camping trailers, and/or recreational vehicles equipped for human habitation.

RECREATIONAL FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include such facilities as golf courses and riding clubs. Intensive facilities generally require less land (used more intensively) and include facilities such as miniature golf courses, amusement parks, and bowling alleys.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural products.

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 topography or treatment) such as a grade separation, landscaped areas, viaducts, and bridges.

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SEPTIC TANK: See SEWER, ON-SITE

SETBACK LINE: A line established by the zoning resolution, generally parallel with and measured from the front lot line, defining the limits of a yard in which no building may be located except as may be provided in said resolution.

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or equally satisfactory process, for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A lettered board or other display used to identify or advertise a place of business.

1. **SIGN, ON PREMISES:** Any sign related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such is located.
2. **SIGN, OFF PREMISES:** Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.
3. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.
4. **SIGN, LIGHTING DEVICE:** Any light, or string of lights, or group of lights arranged to form a sign or cause illumination of a sign.
5. **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

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, walks, fences, billboards and/or signs.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, or similar goods.

SWIMMING POOLS: A structure, above or below ground, intended primarily for swimming or wading containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. **PRIVATE:** Exclusively used, without paying an additional charge for admission, by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. **COMMUNITY:** Operated with a charge for admissions; a primary use.

THOROUGHFARE, ALLEY, STREET OR ROAD: The full width between property lines bounding every public way of 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 of, or side, of properties abutting another street.
2. **ARTERIAL STREET:** A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
3. **COLLECTOR STREET:** A thoroughfare, whether with a residential, manufacturing, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principle entrance and circulation routes 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. DEAD-END STREET: A street having only one outlet for vehicular traffic.

6. LOCAL STREET: A street primarily for providing access to residential or other abutting property.

7. LOOP STREET: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principle radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

8. MARGINAL ACCESS STREET: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also called FRONTAGE STREETS.

THROUGH LOT: See LOT TYPES

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

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

VARIANCE: The 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 regulation would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, inform, or injured animals, and those who are in need of medical or surgical attention and may include overnight accomodations and/or recuperative facilities. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plot which set forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way for pedestrians use only, whether along the side of a road or not.

YARD: A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure. Outdoor accessories, or ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction or visibility. Flowers, grass, trees and other plants are in no way to be considered as obstructed open space.

1. YARD, FRONT: A yard extending from side lot lines across the front of a lot and from the front lot line to the front of the principle building.

2. YARD, REAR: A yard between side lot lines across the rear of a lot and from the lot line to the rear of the principle building.

3. YARD, SIDE: A yard extending from the principle building to the side lines on both sides of the principle building between the lines establishing the front and rear yards.

ZONING PERMITS: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

SECTION IV - DEFINITIONS

ADULT BOOK STORE: An establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.

ADULT ENTERTAINMENT BUSINESS: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and :

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

SECTION V - "R" DISTRICT (RESIDENTIAL)

The following uses, and no other, shall be deemed "R" District uses and permitted in all "R" Districts:

1. Single and two family dwellings for residential purposes and buildings accessory thereto;
2. Church, school, college, university, public library, public museum, public community center, fire station, township hall, publicly owned park, and publicly owned playground;
3. Farm vacation enterprises, golf courses, horse-back riding facilities, cross-country skiing or downhill skiing facilities, provided adequate and permanent sanitary facilities are provided;
4. Detached accessory building or garage provided the guidelines stated in Section I "GARAGES, PRIVATE", are adhered to ;
5. Any person may carry on an allowed "Home Occupation" in the dwelling house used as their private residence providing all provisions stated in this Section and SECTION IV - HOME OCCUPATION are adhered to;

A. Home Occupation Allowed:

- (a) Professional office such as attorney, medical or osteopathic doctor, chiropractor, architect, psychologist, surveyor, or engineer.
- (b) Contractor office providing equipment, supplies, and/or materials are not parked and/or stored on the premises.
- (c) Office of notary or insurance agent.
- (d) Beauty shop or barber.
- (e) Sale or "arts and crafts" items made by the resident.
- (f) Seamstress or tailor.
- (g) Music teacher or tutor.
- (h) Office for resident engaged in off-premises sale of such products as cosmetics, health care products and kitchen ware.
- (i) Locksmith.
- (j) Office or interior decorator.

6. Roadside stands consisting of structures used for the display and sale of agricultural products provided:

A. such stands are not in the road right-of-way;

B. Such stands are at least twenty (20) feet back from the travelled portion of the road;

C. Adequate facilities are maintained for off the road parking of customer's vehicles;

D. At least fifty (50) percent or more of the gross income received from the roadside stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year;

E. That such roadside stand be so designed and constructed that it can be removed when not in use.

7. SINGLE AND TWO FAMILY DWELLINGS:

A. Appearance, design criteria, and/or standards: These regulations are created to ensure the health, safety, and general welfare of the township. They will further the equitable treatment of all housing construction types and provide affordable housing for a larger segment of the township population. Additionally, these regulations will improve the overall appearance of the housing stock and ensure more durable and safer homes for all residents.

B. These regulations apply to all single family housing units in all districts (R, B, RC, and LMI) including manufactured homes, modular homes, and site-built homes. A two-story family dwelling shall conform to the same standards as a single family dwelling, with each family having a minimum floor area as required for a single family dwelling.

a. The minimum floor area of the single family dwelling unit shall be at least one thousand (1000) square feet of living area. Calculations used to determine the number of square feet in a structure are based on the structure's exterior horizontal dimensions actually containing interior space when erected on site. The minimum permitted floor area does not include basements, porches, breezeways, terraces, garages, or bay windows.

b. The minimum width of all family dwelling units shall be at least twenty-four (24) feet.

c. All dwelling units shall have a minimum roof overhang of at least twelve (12) inches.

d. All dwelling units shall be double pitched and have a pitch of at least three (3) in twelve (12).

e. All dwelling units shall have roof material that is generally used in residential construction including approved wood, clay, slate, asphalt composition shingles, and fiberglass composition shingles. Materials excluded are corrugated aluminum, corrugated fiberglass, and metal roof materials. These material standards are applicable to all primary buildings, accessory buildings, garages and carports.

f. Exterior siding of all dwelling units cannot have a high-gloss finish and shall be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as convention vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels.

g. All dwelling units shall be placed on a permanent foundation that complies with the BOCA Basic Building Code and be inspected by the Ashtabula County Department of Building Regulations.

h. The hitch, axles, and wheels of any manufactured home shall be removed.

i. The dwelling unit shall be oriented on the lot so that its long axis is parallel with the road right-of-way. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than fifty (50) percent of the units long dimension.

j. The lots of all dwellings shall be landscaped to ensure compatibility with the surrounding properties.

k. All fuel oil supply systems shall be constructed and installed within the foundation wall or underground and shall conform to all applicable building and safety codes. Above ground bottled gas tanks shall be fenced so as not to be visible from the street or abutting properties.

l. Temporary basement housing may be permitted providing adequate plans for the completed structure are submitted to the Jefferson Township Zoning Inspector and providing a permit is issued by said Zoning Inspector and the Ashtabula County Department of Building Regulations. The permit for this temporary dwelling shall not exceed two (2) years, with the roof, siding, and windows to be installed by the end of the two (2) years and providing that the site is adequately improved and landscaped within one (1) year from commencement of construction. The completed house shall conform to all regulations of this resolution.

m. All human habitations in all districts shall have at least two (2) exits and they shall be doors which are not adjacent.

n. All dwellings hereinafter erected, or constructed shall conform to the minimum requirements, standards, and regulations of this resolution.

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SECTION VI - PART I - "B" DISTRICT USE (BUSINESS AND COMMERCIAL)

The following uses and no other shall be permitted in a "B" District:

1. Any use permitted in "R" District shall be permitted in a "B" District.
2. Transient tourist accommodations such as motels, hotels, rooming houses, and tourist homes.
3. Multi-family dwellings, apartment houses, boarding houses, dormitories, and living quarters over business establishments.
4. Retail stores and wholesale outlets providing food, clothing, hardware, household appliances, furniture, drugs, cosmetics, household needs, and hobby or crafts needs, providing the business is conducted wholly within an enclosed building.
5. Stores providing newspapers, magazines, books, and school supplies.
6. Automobile and truck dealers, recreational vehicle stores, garages, farm supply outlets, feed and grain dealers, garden supply outlets, farm and garden equipment dealers, and home dwelling supply outlets.
7. Gasoline filling and stations providing storage tanks are underground and covered with earth to meet underwriters specifications.
8. Professional offices and clinics such as doctors, lawyers, engineers, and architects offices.
9. Personal service such as restaurants, offices, beauty parlors, barber shops, health clubs, photographic studios, and office and business supplies providing they are conducted wholly within an enclosed building.
10. Recreational facilities such as bowling alleys, miniature golf courses, private clubs and/or fraternal organizations and professional organizations.
11. Playing fields such as baseball diamonds, tennis courts, soccer and football fields, excluding those owned and operated by schools or churches if such fields are on school or church premises.
12. Hospitals, sanitariums, and resthomes.
13. Food processing as defined in SECTION IV.
14. Beverage stores, bars, and cafes.
15. Adult Entertainment Business, with the following restrictions:
 1. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;
 2. No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business;

3. No adult entertainment business shall be permitted in a location which is within 1,500 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center;
 4. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any residence or boundary of any residential district;
 5. No adult entertainment business shall be permitted in a location which is within 1,000 feet of any boundary of any residential district in a local unit of government abutting the Township.
16. Mini-storage building, designed and built to be used for the storage of personal goods, not to include commercial or industrial warehouses, or the sales of retail and wholesale goods.

SECTION VI - PART II - "RC" DISTRICT USE (RECREATIONAL/CAMPGROUNDS)

The following uses, and no other, shall be deemed "RC" District uses and permitted in all "RC" Districts:

1. Any use permitted in an "R" District shall be permitted in an "RC" District.
2. Camping facilities for family "A" and/or "B" camping as defined in Chapter HE-27 of the Ohio Sanatory Code adopted under the authority of Ohio Revised Code Sections 3701.13 and 3701.34 providing human occupancy by a family or party shall be limited to a maximum of 90 days in a calendar year. Shelters shall be tents, camping trailers, or suitable vehicles.
3. Picnic grounds, swimming pools, and other suitable recreational facilities for campers and daytime guests normally found in recreational campgrounds are permitted.
4. Laundry facilities, and retail stores for food, beverages (including alcoholic, if permitted by State law), and camping supplies providing the principle use of this store is for the convenience of campers.
5. Outdoor activities such as cross country skiing and/or snowmobile trails.
6. Dwellings within "RC" district shall be limited to an owner and/or caretaker residence.

SECTION VII - "LMI" DISTRICT USE (LIGHT MANUFACTURING - INDUSTRIAL)

The following uses, and no other, shall be permitted in an "LMI" District:

1. Any use permitted in an "R" or "B" District shall be permitted in an "LMI" District.
2. Light Manufacturing as defined in SECTION IV - DEFINITIONS (MANUFACTURING, LIGHT).
3. Warehousing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as toxic fumes or wastes, noise, odor, dust, smoke, or glare and operate entirely within enclosed structures.
4. WILD OR DANGEROUS ANIMALS, BIRDS AND INSECTS: For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL, BIRD, INSECTS: Any wild mammal, reptile, fowl or insect which is not naturally gentle or tame, but is of a wild nature or disposition, and which because of its size, vicious nature, or other characteristics would constitute a danger to human life or property if it escaped from secure quarters.

In order for any person to keep, maintain, or have in his possession or under his control within the Township of Jefferson any dangerous animal, bird, other life forms which would pose a threat to the safety, health or well being of humans domestic or farm animals or the environment itself - THE FOLLOWING CRITERIA MUST BE MET:

Any such animal, bird or insect must be housed in area zoned industrial.

1. Any animal, bird, insect or reptile must be kept in secure quarters.
2. All animals and animals quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
3. Animals are maintained in quarters so constructed as to prevent their escape.
4. No person lives or resides within fifty (50) feet of the quarters in which animals are kept.
5. Must be located so animals are kept at least 1,000 feet from all property lines.
6. Must limit to two animals only per owner or group of owners.
7. Must provide proof of liability insurance which specifically covers the animal (animals).

SECTION VIII - PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any "R", "B", "LMI", or "RC" district unless specifically exempted in Sections V, VI, VII:

1. Trailer or mobile home parks or unit developments.
2. Mobile homes, travel trailers, camping trailers, recreational vehicles, tents, huts, or cabins fitted or used for human habitation, animal habitation, office space, storage space, or any business use - retail or wholesale. A special permit may be issued by the zoning inspector for a period of not more than ninety (90) days for office use of mobile homes or travel trailers at construction sites.
3. Junk yards, automobile graveyards, waste disposal sites, chemical waste dumps, nuclear waste dumps, garbage or sewage disposal sites, explosive manufacture or storage, petroleum products or byproducts disposal sites. Any land, property, structure, building, or combination of same used for the storage or processing of any or all of the above whether solid, liquid, or gaseous shall be considered a prohibited use.
4. Any other business or industry that is noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame, or vibration or that would create a fire hazard, health hazard, or be aesthetically obnoxious and/or psychologically harmful or distasteful.

SECTION IX - NON-CONFORMING USES

INTENT:

Within the districts established by this resolution, or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or its present amendments adopted but which would be prohibited, regulated, or restricted under the terms of this resolution or amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival.

INCOMPATIBILITY OF NON-CONFORMITIES:

Non-conformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged more than ten (10) percent. However, a non-conforming use which is more consistent with the current zoning may be substituted for an existing use.

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 removal shall be deemed to be actual construction, providing that work shall be carried out diligently.

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 a single lot of record at the effective date of adoption or amendment of this resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within 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 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in SECTION XXII. No portion of any lot shall be used in a manner which diminishes compliance with lot width and area requirements established by the resolution.

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 this resolution, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended, to occupy more than ten (10) percent of the area of land than was occupied at the effective date of the adoption or amendment of this resolution.

2. No such non-conforming 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 the adoption or amendment of this resolution.
3. If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

NON-CONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of the 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:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be reconstructed in conformity with the provisions of this resolution.
3. Should any 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.

NON-CONFORMING USES OF STRUCTURE AND LAND IN COMBINATION:

If a lawful use involving individual structures, or 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:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged or extended by more than ten (10) percent, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a 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.
3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

4. When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the resolution of the district in which it is located.

5. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

REPAIRS AND MAINTENANCE:

On any non-conforming structure or portion of a structure containing a non-conforming 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 non-conforming shall not be increased except as here above provided. 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 an official charged with protecting the public safety, upon order of such official.

SECTION - OUTDOOR ADVERTISING - SIGNS:

INTENT:

The purpose of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor 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 and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways, provide more open space, curb the deterioration of the natural environment, and enhance community development.

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

1. No signs shall be permitted in an "R" district unless authorized in Section V or this Section (Section X) of this resolution. Such authorized signs shall not exceed nine (9) square feet in area and are not to be located within the road right-of-way or 100 feet of an intersection unless affixed to a building.
2. The following signs are authorized in an "R" district:
 - A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located.
 - B. Signs or bulletin boards customarily incidental to place of worship, libraries, or other institutions permitted in an "R" district and that such authorized signs shall be located on the premises of such institutions.
 - C. Temporary signs advertising garage sales, garden produce, surplus household items, automobile or other transportation and maintenance items. Authorized temporary signs shall not exceed a period of sixty (60) days and shall be located on the premises.
 - D. Political campaign signs advertising candidates or issues may be permitted for a period not exceeding sixty (60) days before an election and shall be removed within ten (10) days after said election. No political sign shall exceed four (4) square feet and be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole.
3. Signs authorized on agricultural lands shall advertise only the names of the owners, trade names, products sold or produced, and/or business or activities conducted on said agricultural land where such sign is located. Said signs shall not exceed one hundred (100) square feet in area.
4. The regulations set forth in this paragraph shall apply to signs in "B", "LMI", and "RC" districts:

A. Each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business may have an area equivalent to one and one-half (1 1/2) square feet for each lineal foot of building width, or part of building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

B. Free standing on premises signs not over thirty (30) feet in height, having a maximum area of one hundred (100) square feet and located not closer than ten (10) feet of any street right-of-way line and not closer than thirty (30) feet of any adjoining lot line may be erected to serve a single business or a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

C. Temporary signs not exceeding fifty (50) square feet in area, announcing the erection of a building may be erected for a period of sixty (60) days plus the construction period. Temporary signs which advertise special promotions shall be permitted for a period not to exceed fourteen (14) days. Such temporary signs shall conform to the requirements of this section.

D. Any illuminated sign or lighting device shall employ only light of constant intensity and shall be so shaded as not to interfere with the vision of persons upon a public thoroughfare, highway, sidewalk, or adjacent premises, or as to cause a nuisance or constitute a traffic hazard.

E. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.

F. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet not more than two (2) feet in height from the top of said face or front of the building.

5. For the purpose of this resolution "sign" does not include signs or lights erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

6. The provisions of this section, except as otherwise specifically provided, shall apply only to signs intended to convey a commercial message relating to the sale or lease of real or personal property or of services. Signs intended to convey a non-commercial message of a political, religious, or philosophical nature shall not be deemed to be prohibited or regulated by these provisions.

SECTION XI - PUBLIC UTILITIES AND RAILROADS

"Refer to Ohio Revised Code Section 519.211(b)".

COMMUNICATION TOWERS:

Tower should be located no less than the height of the tower plus twenty (20) feet to any structure, public roadway, public utility or property line, not associated with the tower.

SECTIONS XII - MINIMUM LOT AREAS

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than 87,120 square feet (2 acres) of lot area if a septic tank system and well are necessary, i.e., a public water system and public sewer system is not utilized. This unless such lot was designated on a recorded plot or separately owned at the time this resolution took effect and can not practicably be enlarged to conform with these requirements.

A. Providing a public sewer system is used the minimum lot area of said single-family dwelling shall be 43,560 square feet (1 acre).

B. Providing both a public sewer system and a public water system is used the minimum lot area of said single-family dwelling shall be 21,780 square feet (1/2 acre).

2. No two-family dwelling shall be erected or building altered to accommodate more than one family on less than 217,800 square feet (5 acres) of lot area if a septic tank system and well are necessary, i.e., a public water system and a public sewer is not utilized.

A. Providing a public sewer system is used, the minimum lot area of said two-family dwelling shall be 108,900 square feet (2 1/2 acres).

B. Providing both a public sewer system and a public water system is used, the minimum lot area of said two-family dwelling shall be 65,340 square feet (1 1/2 acres).

3. Multi-family units or buildings may be permitted under regulations set forth in SECTION VI, paragraphs 1, 2, and 3 ("B" District) of this resolution providing the following minimum area requirements as well as all other regulations set forth in this resolution are in compliance. The minimum area for multi-family uses are:

A. One bedroom apartment - 700 square feet; two bedroom apartment - 800 square feet; three bedroom apartment - 900 square feet.

B. For each ground level dwelling unit - an additional 900 square feet in area outside and adjacent to the structure in which it is located;

C. For each above-ground dwelling unit - an additional 400 square feet in area outside and adjacent to the structure in which it is located.

There shall be no more than twenty-four (24) dwelling units per building. There shall be minimum lot area of five (5) acres per multi-family building.

SECTION XIII - MINIMUM LOT WIDTH

1. No dwelling intended for single or two-family occupancy shall be erected in any district on a lot having a frontage of less than 200 feet on a public thoroughfare if a septic tank system and a well are necessary, i.e., a public water system and public sewer system are not utilized. This unless such lot was a designated or a recorded plot or separately owned at the time this resolution took effect and cannot be enlarged to conform with these requirements.

A. Providing a public sewer system is used the minimum frontage of said lot shall be 160 feet.

B. Providing both a public sewer system and a public water system is used the minimum frontage of said lot shall be 100 feet.

2. Any building or structure other than a single-family or two-family dwelling in a "B", "LMI", or "RC" district shall conform to the regulations stated in Paragraph One (1) of SECTION XIII as well as regulations stated for lot areas and parking facilities.

SECTION XIV - SET-BACK BUILDING LINES

1. No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, fences, and underground tanks shall be erected within fifty (50) 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 fifty (50) feet from a line corresponding to the adjacent outside edge of said road or street.

SECTION XV - SIDE YARDS

1. Any building or structure erected in any district shall have a minimum side lot clearance of not less than ten (10) feet from each side of adjacent lots. Said side yard space shall remain open and unoccupied by any buildings or structures.

SECTION XVI - CORNER LOTS

1. The setback building line on a corner lot in any district shall be in accordance with the regulations of SECTION XIV of this resolution with provisions applicable to each street or road bordering on said corner lot.

SECTION XVII - REAR YARDS

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

SECTION XVIII - MAXIMUM HEIGHT OF BUILDINGS

1. No single-family or two-family dwelling shall be erected in any district to a height in excess of 2 1/2 stores or in excess of thirty-five (35) feet measured from the natural grade at the building line to the highest point on the roof.
2. No multi-family, manufacturing, warehouse, business or commercial building or structure in a "B", "LMI", or "RC" district shall be erected to a height in excess of fifty (50) feet measured from the natural grade at the building line to the highest point on the roof.
3. The regulations of paragraphs one (1) and two (2) do not apply to the height of a church spire or belfry, radio or television tower, chimney, water tank, or other mechanical appurtenances when erected upon, and as an integral part of, said building or structure.

SECTION XIX - PARKING FACILITIES

1. General Requirements:

A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution;

B. The provisions of this Section, except where there is a change of use, shall not apply to any existing building or structure. Where the new use includes no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution;

C. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need of an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth in this resolution.

2. Parking Space and Loading Space Dimensions and Requirements:

A. A parking space shall have a minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveway, aisles, and other circulation areas. The number of required off-street parking spaces is established in Paragraph II of this section.

B. A loading space shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fourteen (14) feet. The loading area shall have sufficient area to allow all loading and unloading traffic to do all turning or backing within the confines of the loading area, away from all public or private roads or drives. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

3. Parking:

A. The required number of parking and loading spaces as set forth in Paragraphs 2 and 12 of this Section together with driveways, aisles, and other circulation areas, shall be improved with such material as to provide a durable and dust free surface.

4. Drainage:

A. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

5. Maintenance:

A. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

6. Lighting:

A. Any parking and/or loading area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from adjoining property.

7. Screening and/or Landscaping:

A. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than six (6) feet nor more than eight (8) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

8. Wheel Blocks:

A. Whenever a parking lot or loading area extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

9. Width of Driveway Aisle:

A. Driveways servicing individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen (17) feet wide for sixty (60) degree parking, and thirteen (13) feet wide for forty-five (45) degree parking.

10. Access:

A. Any parking or loading area shall be designed in such a manner that any vehicle leaving or entering the parking or loading area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking or loading areas shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private street.

11. Width of Access Driveway:

A. The entrance and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following standards: For one-way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking, in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

12. Parking Space Requirements:

For the purpose of this resolution, the following parking space requirements shall apply:

A. Single-family or two-family dwelling: two (2) for each unit.

B. Multi-family dwellings or apartments: two (2) for each unit.

C. Boarding houses, rooming houses, dormitories, and fraternity houses, which have sleeping rooms; one (1) for each room or one (1) for each permanent occupant.

D. Automobile service garages which also provide repairs: one (1) for each two (2) gasoline pumps and two (2) for each service bay plus one (1) for each employee.

E. Hotels, motels: one (1) for each sleeping room plus one (1) for each employee.

F. Funeral parlors, mortuaries, and similar type uses: (1) for each one hundred (100) square feet of floor area in slumber rooms, parlors, or service rooms.

G. Dining rooms, restaurants, taverns, night clubs, etc.: one (1) for each two hundred (200) square feet of floor area plus one (1) for each employee.

H. Bowling alleys: four (4) for each alley or lane plus one (1) additional space for each one hundred (100) square feet of area used for restaurant, cocktail lounge, or similar use.

I. Dance floors, skating rinks: one (1) for each one hundred (100) square feet of floor area used for activity.

J. Outdoor swimming pools, public or community or clubs: one (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) square feet of floor area used for seating purposes whichever is greater.

K. Auditoriums, sports arenas, theaters, and similar uses: one (1) for each four (4) seats.

L. Retail stores: one (1) for each two hundred (200) square feet of floor area.

M. Banks, financial institutions, and similar uses: one (1) for each two hundred (200) square feet of floor area.

N. Offices, public or professional, administrative or service buildings: one (1) for each two hundred (200) square feet of floor area.

O. Churches and other places of religious assembly: one (1) for each five (5) seats.

P. Hospitals: one (1) for each bed and one (1) for each staff member and employee.

Q. Sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar uses: one (1) for each two (2) beds and one (1) for each staff member and employee.

R. Medical, dental, and veterinary clinics: one (1) for every two hundred (200) square feet of floor area of examination room, treatment room, office, and waiting room, and one (1) for each staff member and employee.

S. Libraries, museums, and art galleries: one (1) for each two hundred (200) square feet of floor area and one (1) for each staff member and employee.

T. Elementary and Junior High Schools: two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly halls.

U. High Schools: one (1) for every ten (10) students and one (1) for each teacher and employee.

V. Business, technical, and trade schools: one (1) for each two (2) students and one (1) for each staff member and employee.

W. Colleges, universities: one (1) for each two (2) students and one (1) for each staff member and employee.

X. Kindergartens, child care centers, nursery schools, and similar uses: three (3) for each classroom but not less than eight (8) for the building.

Y. All types of manufacturing, storage, and wholesale uses permitted in this resolution: two (2) for each employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle use in the business.

Z. Cartage, express, parcel delivery, and freight terminals: two (2) for each employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle use in the business, plus three (3) additional parking spaces for trailers for each twelve (12) feet of loading dock area.

13. General Interpretations:

A. Parking spaces for other permitted uses not listed in this section shall be determined initially by the Zoning Inspector by application of the use contained in this section as most nearly resembles the proposed use. Appeals of the Zoning Inspector's decision may be made to the Board of Zoning Appeals under SECTION XII.

B. Fractional numbers shall be increased to the next whole number.

C. Where, for any reason, parking demand is unusually low, the Board of Zoning Appeals may grant a variance to reduce the same under SECTION XXII.

SECTION XX - HIGHWAY

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 1/2) 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 XXI - VALIDITY

Each section, subsection, provision, requirement, regulation, or restriction established by this resolution 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 invalid.

SECTION XXII - BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be appointed by the Township Trustees, and who shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years beginning January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may be removed for cause in the manner provided in Section 519.04 of the Ohio Revised Code.

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 term 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, requirement, decision, or determination appealed from, and may make such order, requirement, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

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

Appeals to the Board of Zoning Appeals may be taken by a person aggrieved or any officer of the Township affected by a 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 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 at least ten (10) days written notice by Registered Mail to the parties in interest, and notice by one publication in a newspaper of general circulation in this county at least ten (10) days before the date of the hearing, 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.

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TERMS OF VARIANCE:

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

SECTION XXIII - ZONING COMMISSION

There is hereby created a Zoning Commission comprised of five (5) members appointed by the Trustees, who are residents of the unincorporated area of the Township. The term of each member shall be five (5) years beginning on January 1st, except that the terms of the original members shall be of such length and so arranged that the term of one member shall expire each year. Each member shall serve until his or her successor is appointed and qualified. Members of the Zoning Commission may be removed from office as provided in Section 519.04 of the Ohio Revised Code. The Zoning Commission shall organize, elect a chairman, a vice-chairman, and a secretary from among its members, adopt rules to govern its actions and keep a record of minutes of its meetings. Three members of the commission shall constitute a quorum to conduct any business. The concurrence of at least three (3) members shall be necessary to make any decision of the commission. The Township Zoning Commission shall meet at least annually and at any other time at the request of the chairman, vice-chairman acting as chairman, or any two (2) members.

The Township Zoning Commission shall have the power:

1. To initiate, by motion, any amendment or supplement to the township zoning resolution.
2. To recommend the adoption, adoption with modification, or denial of all proposed amendments or supplements to the Township Zoning Resolution.
3. Such additional powers as are provided by law.

SECTION XIV - ZONING INSPECTOR

The position of the Township Zoning Inspector is hereby created. The Township Zoning Inspector, and such assistants as may be necessary, shall be appointed by, and serve at the pleasure of, the Board of Township Trustees and shall received 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.

The Township Zoning Inspector shall, before entering the duties of his office, give bond signed by a bonding or surety company authorized to do business in the State or two or more freeholders having real estate in the value equal to the amount of the required bond. The bond shall be in the sum of not less than one thousand nor more than five thousand dollars as the Trustee shall determine and shall be conditional upon the Zoning Inspector's faithful performance of his official duties. Said bond shall be deposited with the Township Clerk.

The Zoning Inspector and his assistants, if any, shall have the power to issue zoning certificates for all land uses and buildings which he finds to be permitted under the provisions of this resolution. The Zoning Inspector shall also perform such other investigations and inspections as the Board of Trustees direct.

SECTIONS XXV - ZONING CERTIFICATE

Before constructing, locating, changing the use of, or altering any buildings, including accessory buildings, or changing the use of any premises, application shall be made to the Township Zoning Inspector for 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 fees contained in SCHEDULE "A" shall be paid prior to issuance of Zoning Certificates. Such fees are for the purpose of defraying the cost of inspection, certification, and the maintenance of necessary records.

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

SECTION XXVI - 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 set a date for a public hearing which shall be held not less than twenty (20) not more than forty (40) days after the date of the adoption of the motion, certification of the resolution, or filing of the application, as the case may be.

Notice of this public hearing shall be given by a single publication in one or more newspapers of general circulation in the Township. Such notice shall be published at least fifteen (15) days before the date of such hearing.

If the proposed amendment or supplement intends to rezone ten or fewer parcels of land, as listed on the current tax duplicate, written notice of the public hearing shall be mailed by the Zoning Commission by first class mail at least twenty (20) days before the public hearing to all owners of property within, and contiguous to, and directly across the street from the land to be rezoned at the addresses shown on the County Auditor's tax list.

The published, and the mailed notices, shall set forth: (1) the time, date, and place of the public hearing, (2) the nature of the proposed amendment or supplement, and (3) a statement that at the conclusion of the hearing the matter will be referred to the County Planning Commission and the Board of Trustees for further determination.

Within five (5) days after the adoption of the motion, certification of the resolution, or filing of the application, the Zoning Commission shall transmit a copy thereof, together with the text and map to the County Planning Commission.

The Zoning Commission shall consider the recommendation of the County Planning Commission at the public hearing held by the Zoning Commission on the proposed amendment or supplement.

The Zoning Commission shall within thirty (30) days after the hearing, recommend to the Trustees:

1. Approval of the proposed amendment or supplement.
2. Denial of the proposed amendment or supplement.
3. Approval, with modification, of the proposed amendment or supplement.

This recommendation, along with the application, resolution, motion, and all text and maps pertaining thereto and the recommendation of the County Planning Commission shall be delivered to the Township Trustees.

The Trustees shall, upon receipt of the recommendation from the Zoning Commission, set a date for a public hearing thereon which shall be held within thirty (30) days after the receipt of the recommendation from the Zoning Commission.

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

Within twenty (20) days after the hearing, the Trustees shall adopt or deny the recommendation of the Zoning Commission or adopt some modifications thereof. In the event the Board denies or modifies the recommendation of the Zoning Commission, an unanimous vote of the Board shall be required.

Such amendment or supplement shall become effective thirty (30) days after its adoption unless a valid referendum petition is presented to the Board of Trustees. In such case, the amendment or supplement shall become effective only if approved by a majority vote of the electors voting thereon at the election at which this issue is placed on the ballot.

SECTION XXVII - ENFORCEMENT

A. 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, provisions, or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred (100) dollars. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

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

SECTION XXVIII - INTERPRETATION

In interpretation, and application, the provisions of this resolution shall be held to be the minimum requirements adopted for the protection 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 construction and use of buildings.

Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards that are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions 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.

By order of the Board of Township Trustees of Jefferson Township.

TOWNSHIP ZONING INSPECTOR:

The Township Zoning Inspector occupies a central position in the administration of the zoning resolution. He is the person with whom the public will have the most immediate and general contact in obtaining information pertaining to zoning requirements, obtaining zoning permits and with the enforcement of the zoning resolution. For these reasons, the zoning inspector must be familiar with the state law dealing with township zoning, the township zoning resolution and the general principles which govern zoning and planning.

The Zoning Inspector has an administrative function only. That function is to enforce the provisions of the zoning resolution as adopted and amended. He does not possess any discretionary authority to grant special exceptions or variances to the specific provisions of the zoning resolution.

SUGGESTED OFFICE PROCEDURES:

- A. Establish and maintain regular office hours, so as to ensure accessibility to the public.
- B. Establish and maintain an up-to-date copy of the township zoning resolution and the map with the necessary information as to the date and nature of any amendments or supplements made in the original resolution and the map.
- C. Establish and maintain a complete and accurate record of all existing non-conforming uses in the township including the date of origin, if available, the actual land area occupied by the non-conforming land use together with the date and type of changes which occur.
- D. Review all applications for zoning permits and issue such permits, if the entire application conforms to the terms of the zoning resolution.
- E. Maintain a sufficient supply of copies of the zoning resolution and its amendments and supplements for ready availability to all members of the public requesting such copies.
- F. Maintain forms for zoning permits, appeals to the Board of Zoning Appeals, applications for amendments and supplements, violation notices, and reports to the Board of Township Trustees. (Each township may differ as to the type of forms employed due to the fact that the language in the several township zoning resolutions may differ.)
- G. Maintain a permanent record of all applications and permits issued or denied. An accurate record of all fees collected must be maintained and a report made to the Board of Trustees. All monies received should be promptly deposited to the account of the township.

ZONING PERMIT APPLICATIONS AND PROCEDURES:

- A. The applicant must be required to furnish all the information needed in determining whether a permit should be issued.
- B. The provisions of Section 5511.01, Ohio Revised Code place a limitation upon the power of the various persons and bodies which administer zoning resolutions

with respect to land in and near newly established and changed state highways. Where the director of the Department of Transportation has published notice in a newspaper and notified the board of township trustees and the zoning inspector of a change in existing highways or the establishment of additional highways as part of the state highway system, before any zoning change is approved or any permit for land usage granted affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification by the director, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the following procedure must be followed:

1. The authority to approve the zoning change or grant the permit must give notice, by registered or certified mail, to the director and shall not approve a zoning change or subdivision plot or grant a zoning permit for 120 days from the date notice is received by director. During this period or any extension thereof, the director may purchase the property or begin proceeding to appropriate the same.
 2. Upon notification that the director has found acquisition at the time not to be in the public interest, or upon the expiration of 120 day period of any extension thereof, if no notice has been received from the director, the said township zoning authority shall proceed with the applicable law as though it had just been filed.
 3. No action should be taken in processing of the application until the director of the Department of Transportation has had the time to act as provided in the statute.
 4. The applicant shall be notified of the delay in processing his application and the reason for the delay.
- C. Plans, specifications and drawing should be carefully checked to ascertain that any proposed structures will comply with the terms of the zoning resolution.
- D. The applicant should be promptly advised as to the manner in which the application does not comply with the terms of the zoning resolution or map.
- E. Should the applicant be unable or unwilling to conform to the zoning resolution or map, then the application should be denied, the reason for the denial set forth on the application form or on separate paper and the applicant notified of the denial by sending it to him within the time if no time has been set forth in the zoning resolution.
- F. The zoning inspector has no legal authority to grant special exceptions or variances to the terms of the zoning resolution.
- G. In those townships where local practice has resulted in the zoning inspector processing rezoning requests on behalf of the Township Zoning Commission, references should be had to "Township Zoning Commission (4.2 (B)(1)).

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INSPECTIONS:

- A. Inspections should be made of all structures for which permits have been issued during the period of construction to ascertain compliances with the terms of the zoning resolution and permits.
- B. Such other inspections should be made to ascertain that violations are not occurring as to the terms of the zoning resolution such as may arise by failure to obtain zoning permits or uses of land which are not in accordance with the township zoning regulations.
- C. Complaints received by the zoning inspector should be investigated and a written record kept of the investigation, including the date of receipt of the complaint, the date of investigation and the action taken. If possible, photographs should be taken of the alleged violation.

VIOLATIONS:

- A. When a violation of a zoning resolution has been discovered, the zoning inspector should seek a compliance with the regulation and removal or elimination of the violation. Photographic evidence of the violation should be secured.
- B. A written notice should be sent to the violator, explaining the nature of the violation, the portion of the zoning resolution which has been violated and a request that the violation cease within a specified time, i.e., 10 days, 20 days, or 30 days.
- C. A copy of the violation notice should be sent to the Ashtabula County Prosecutor's Office.
- D. The Ashtabula County Prosecutor's Office should be promptly advised when compliance has not been met with the terms of the notice of violation.
- E. Prosecute violations by means of injunction, mandamus, abatement, or other remedies and proceedings provided by law to prevent, enjoin, abate or remove the unlawful proposed or existing erection, construction, reconstruction, enlargement, change, maintenance, or use of any building or proposed or existing use of any land, in violation of the zoning resolution.

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