

ORANGE TOWNSHIP ZONING RESOLUTION

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Prepared by:  
Orange Township Zoning  
Commission  
with the assistance of  
Ashland Regional Planning  
Commission

## ZONING RESOLUTION

ORANGE TOWNSHIP, ASHLAND COUNTY, OHIO

### PURPOSE

This Zoning Resolution is for the purpose of promoting public health, safety, morals, comfort and general welfare, to conserve and protect property values, to secure the most appropriate use of land, and to facilitate adequate but economical provisions of public improvements, all in accordance with Chapter 517 of the Revised Code as enacted by the General Assembly of the State of Ohio and the Board of Trustees of Orange Township find it advisable and necessary to adopt this Resolution of Zoning.

It is a Resolution providing for the zoning of the unincorporated area of Orange Township by regulating the location, size and use of buildings and structures, the area and dimensions of lots and yards and the use of land; for such purpose dividing the said area into zones or districts as residential, commercial, industrial and agricultural; and providing for a method of administration, and prescribing penalties for the enforcement of this Resolution.

This Resolution is adopted by the Orange Township Zoning Commission and shall be known as the Orange Township Zoning Resolution and may be referred to as the Zoning Resolution.

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Section 1 Districts

100 For the purposes of this Resolution, Orange Township is hereby divided into five (5) Districts which are as follows:

<u>DISTRICT</u>	<u>PURPOSE</u>
General Farm F-2	To protect and maintain the openness and rural character of the countryside. To provide areas for rural developments of various kinds.
Residential R-1	To provide areas for low density residential development in areas that can support such development without creating any serious health threat.
Rural Center R-2	To recognize and provide for small rural centers or "Crossroad Communities" where limited mixed land uses exist and are not particularly harmful to each other. To provide for areas having convenience goods and services to residents of the surrounding area.
Commercial C	To provide for the commercial needs of residents of the area as well as tourist or travelers to the extent of need and appropriateness.
Industrial I	To provide for agribusiness and desirable industrial development in appropriate locations. To protect surrounding areas and the Industrial District from environmental nuisances such as smoke, noise, pollution, etc.

101 The location and boundaries of the Districts listed in this Resolution shall be shown on a map entitled "Orange Township Zoning Map." A certified copy of this map is on file in the Offices of the Orange Township Trustees and said map, all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.

- a. District boundaries are intended to follow street, alley, property or lot lines as they exist at the time of passage of this Resolution
- b. Where District boundaries do not follow existing lot or property lines, the dimensions of these areas shall be listed on the Zoning Map.
- c. In the case of a vacation of a street, alley or other right-of-way, the abutting zoning classification on either side shall be automatically extended to the centerline of said vacated property.

d. Where boundaries appear to approximately follow aforesaid lines and are not more than ten (10) feet distant from such lines they shall be interpreted to be the boundary unless specifically shown otherwise.

102 The Zoning Map or any Zoning Map amendment shall be prepared by authority of the Township Zoning Commission or the Township Trustees. The map or amendment shall be dated with the effective date of the Resolution that adopts the map or amendment.

103 A certified print of the adopted map or map amendment shall be maintained by the Office of the Township Trustees and in the Office of Regional Planning Commission.

## Section 2 General Regulations

- 200 No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.
- 201 New land uses, other than those listed in these Regulations, shall be prohibited on property in Orange Township.
- 202 Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers, silos, scenery lofts and necessary mechanical accessories are exempt from the height restrictions listed in these Regulations.
- 203 Any addition to an existing building shall not intrude into any required yard or open space.
- 204 New lots of record shall meet all minimum size requirements for the district in which they are located.
- 205 No more than one main building shall be located on a lot of record.
- 206 Two or more lots of record, or platted lots, when contiguous and owned by the same individual may be treated as a single lot for the purposes of this Resolution as long as the property in question is located in a single district.
- 207 The Orange Township Zoning Resolution shall serve as a supplement to existing and future Federal, State and Local laws. Whenever these Regulations differ from other lawfully adopted regulations, the most restrictive or highest standard shall apply.
- 208 Any lot of record existing at the time of adoption of this Resolution and held in separate ownership different from that of adjoining parcels may be used for any purpose normally permitted in that district even though its area, width and depth are less than the requirement of that District.
- 209 Agricultural uses, excluding related residential uses, are exempt from these Regulations.
- 210 When two (2) or more lots have been subdivided from an original lot of record in an Agricultural District, the property owners in question shall submit applications to the Zoning Inspector requesting the rezoning of said lots from Agricultural uses to Residential uses.
- 211 Lot Review by County Board of Health
- a. Prior to issuance of any Zoning Permit for any residential, commercial, industrial, public or semi-public structure when central water and/or sewage disposal facilities are not available or not used, the Ashland County Board of Health and/

or EPA of Ohio shall establish the minimum lot area for any permitted or conditional use in all districts but, in no case shall the lot areas be less than those specified for the various districts.

- b. If, in the opinion of the County Board of Health or Ohio EPA, the development of any such lot or lots, regardless of size, would lead to the creation of a serious health threat, then all Zoning Permits for such lot or lots shall be withheld and development not permitted until and unless an agreement for appropriate health safeguards can be reached between the owner or his agent, the Zoning Commission and the Board of Health or the Ohio EPA.

### Section 3 Definitions

For the purposes of this Resolution, certain terms and words are described as follows:

- 300 The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plat"; and the word "shall" is mandatory and not directory.
- 301 Accessory Use: A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of the land or building such as, but not limited to, garage, implement storage shed, etc., and located on the same lot with such principal use.
- 302 Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, the packing, treating or storing of produce provided, however, that the operation of any accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 303 Alteration of Building: Any change in supporting members of a building except such change as may be required for its safety; any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another. Altering shall not include interior remodeling and outdoor maintenance.
- 304 Billboards: See signs.
- 305 Board: Shall mean the Orange Township Board of Zoning Appeals.
- 306 Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.
- 307 Building Height: The vertical distance measured from the average elevation of the finished grade along the front of the building to the height point of the roof surface if a flat roof, to the deck line of a mansard roof, and to the main height level between eaves and ridges for a gambrel roof.
- 308 Building, Main: A building in which is conducted the principal use of the lot on which it is located.

- 309 Business, Local: An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These uses may include, but are not limited to, repair shops, hobby shops and businesses for the sale of food and beverages for consumption either on or off the immediate premises.
- 310 Centerline of Street: A line midway between and parallel to the two (2) streets or property lines.
- 311 Commercial Service Equipment: All engine or motor powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators. Examples for Commercial Service Equipment are: chain saws, log chippers, paving rollers, etc.
- 312 Conditional Use: A use which is subject to approval by the Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specified provision for such exception made in this Resolution.
- 313 Dwelling: A building, or portion thereof, designed exclusively for permanent residential occupancy, including one-family dwellings and vehicles or residences designed to be moved or towed on wheels, skids or rollers, but not including hotels, boarding houses or rooming houses.
- a. Manufactured Dwelling or Home: A detached residential unit designed for transportation after fabrication on public or private thoroughfares on its own wheels or on a flatbed or other trailer and arriving at the site ready for occupancy except for minor and incidental unpacking and assembly operations. A factory built structure having at least seven hundred (700) square feet, excluding porches and garages, of living area. A constructed unit that is approved by the Ohio Department of Industrial Relations. Approved manufactured homes will carry a certification sticker from the State of Ohio. All manufactured homes shall meet the requirements of Section 4101:2 of the Ohio Basic Building Code dealing with industrialized units for the year in which they were built. Only manufactured homes from manufacturers certified as per Section 4101:2-98 may be located in Orange Township.
  - b. Modular Home: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient and when installed constitutes a single family dwelling. Such installation includes its placement. This definition includes sectional units, but not Manufactured Dwelling or Home as set out in 313(a) above.
  - c. Single Family Dwelling: A dwelling which is designed for and occupied by not more than one family.

- d. Two Family Dwelling: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from an exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
  - e. Multi-Family Dwelling: A structure on a single lot of record containing a maximum of three (3) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to an exterior wall, except for a common stairwell exterior to all dwelling units.
  - f. Seasonal Dwelling: A dwelling used not more than nine months of the year and not intended for year-round occupancy.
- 314 Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communication, supply distribution, service or disposal facilities, including any necessary structures or buildings reasonably required to assure the provision of adequate supplies of public utilities by the utility or branch of government.
- 315 Family: One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.
- 316 Flood Plain, Regional: The Flood Plain is that area which would be inundated (under water) by a 100 year frequency flood or which is identified as having alluvial (bottom soil) or other flood prone soils on soil surveys.
- 317 Home Occupation: See Section 506 of this Resolution.
- 318 Home Owners Light Residential Outdoor Equipment: All engine or motor powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner. Examples of Homeowners Light Residential Outdoor Equipment are: lawn mowers, garden tools, riding tractors, snow blowers, snow plows, etc.
- 319 Junk Yard: An open area where waste scrap metal, paper, automobiles or other motor vehicles or similar materials are bought, sold, exchanged, stored, packed or handled, including building wrecking yards, and including uses taking place entirely within an enclosed building.
- 320 Lot: A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and open spaces as herein required. Such lots shall have frontage on improved public streets and may include: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record,

or complete lots of record and portions of lots of record, or portions of lots of record.

- a. Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a current street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred and thirty five (135) degrees.
  - b. Interior Lot: A lot other than a corner lot.
  - c. Reversed Corner Lot: A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.
  - d. Through Lot: An interior lot having frontage on two (2) or more streets.
- 321 Lot Area: The total horizontal area within the lot lines of a piece of property.
- 322 Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) or more streets.
- 323 Lot Lines: The lines bounding a lot as defined herein.
- 324 Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at the building set-back line.
- 325 Noise Pollution: See Section 512.
- 326 Nonconforming Use: A legal use of a building or structure and/or of land that antedates the adoption of this Zoning Resolution and does not conform to the regulations for the zoning district in which it is located.
- 327 Person: An individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency, or any other entity recognized by law as the subject of rights and duties.
- 328 Planned Unit Development (PUD): A contiguous area of land in which a variety of housing types and clusters are accommodated in a pre-planned environment under more flexible standards such as lot sizes and setbacks, than those that normally apply under these regulations.
- 329 Professional Services: The use of offices and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.
- 330 Public Use: Public parks, schools and administrative, cultural and service buildings devoted solely to the storage and maintenance of equipment and material.



331 Recreational Facilities:

- a. Commercial Recreational Facilities: Recreational facilities established for profit, such as, but not limited to, commercial golf courses, swimming pools, ice skating, riding stables and race tracks.
- b. Noncommercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as, but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes are limited to incidental and custodial expenses.

332 Residential Enterprise: A home occupation that employs individuals who are not residents of the dwelling.

333 Rezoning: An amendment to, or a change in the Zoning Resolution. Rezoning can take three (3) forms:

- a. A comprehensive revision or modification of the Zoning text and map;
- b. A change in the Zoning Requirements;
- c. A change in the Zoning Map.

334 Setback Line: A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.

335 Semipublic Use: Churches and other places of worship, Sunday Schools, Parochial Schools, Colleges, Hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

336 Structure: Anything constructed or erected with a fixed location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

337 Variance: A variance is a relaxation of requirements where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship. A zoning permit from the Board of Appeals is required for a variance.

338 Yard: An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein:

- a. Front Yard: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- b. Rear Yard: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches.
- c. Side Yard: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereto.

339 Zoning Districts: Shall mean the zoning districts and land uses therein as established by the Zoning Resolution of Orange Township.

340 Zoning Permit: The document issued by the Zoning Inspector or the Board of Appeals authorizing the use of the land or buildings.

## Section 4 Districts

### 400 General Farm District (A)

1. Uses permitted after obtaining a valid Zoning Certificate. However, NO certificate is needed for those marked with an asterisk.
  - \* a. Agriculture
  - b. Farm Dwelling
  - \* c. Essential Farm Structures
  - d. Single Family Dwelling
  - e. Essential Services
  - f. Accessory Uses
  - g. Manufactured Dwelling
  - h. Public Uses
  - \* i. Home Occupation
2. Conditional Uses (After being approved by the Board of Appeals and obtaining a Zoning Certificate)
  - a. Multi-Family Dwelling
  - b. Tourist Home
  - c. Nursing Homes
  - d. Vacation or Seasonal Home
  - e. Cemeteries and Mortuaries
  - f. Kennels or Veterinary Clinics
  - g. Television or radio station transmitter or tower
  - h. Semi-Public Uses
  - i. Residential Enterprise
  - j. Non-Commercial Recreational Facilities
  - k. Commercial Recreational Facilities
  - l. Mineral Extraction, Storage or Processing
  - m. Oil and Gas Wells
3. Main Building Specifications:
  - a. Minimum Lot Area: One Acre (43,560 sq. ft.) excluding road right-of-way
  - b. Minimum Lot Width: One Hundred Fifty Feet (150)
  - c. Minimum Front Yard: Fifty (50) feet from the edge of the road right-of-way
  - d. Minimum Rear Yard: Forty (40) feet
  - e. Minimum Side Yard: Fifteen (15) feet each side
  - f. Minimum Lot Depth: Two Hundred (200) feet
  - g. Max. Bldg. Height: Thirty-Five (35) feet
  - h. Min. Main Bldg. Size: Seven Hundred (700) sq. ft.
4. Accessory Building
  - a. Accessory buildings shall be no closer than fifteen (15) feet of any property line.

401 Residential District (R-1)

1. Uses permitted after obtaining a valid Zoning Certificate. However, NO Certificate is needed for those marked with an asterisk.
  - \* a. Agriculture
  - b. Farm Dwelling
  - \* c. Essential Farm Structures
  - d. Single Family Dwelling
  - e. Accessory Uses
  - f. Essential Services
  - g. Manufactured Dwelling
  - h. Public Uses
  - \* i. Home Occupations
2. Conditional Uses (After being approved by the Board of Appeals and obtaining a Zoning Certificate)
  - a. Multi-Family Dwelling
  - b. Cemeteries and Mortuaries
  - c. Television or radio station transmitter or tower
  - d. Semi-Public Uses
  - e. Planned Unit Developments
  - f. Manufactured Home Subdivisions and Parks
  - g. Residential Enterprise
3. Main Building Specifications
  - a. Minimum Lot Area: Twenty Thousand (20,000) sq. ft., excluding road right-of-way
  - b. Minimum Lot Width: One Hundred (100) feet
  - c. Minimum Front Yard: Thirty (30) feet
  - d. Minimum Rear Yard: Thirty (30) feet
  - e. Minimum Side Yard: Ten (10) feet each side
  - f. Minimum Lot Depth: One Hundred Twenty-Five (125) feet
  - g. Max. Bldg. Height: Thirty-Five (35) feet
  - h. Min. Main Bldg. Size: Seven Hundred (700) square feet
4. Accessory Building
  - a. Accessory buildings shall be no closer than ten (10) feet of any property line.

402 Rural Center District (R-2)

1. Uses permitted after obtaining a valid Zoning Certificate. However, NO Certificate needed for those marked with an asterisk.
  - \* a. Agrigulture
  - b. Farm Dwelling
  - \* c. Essential Farm Structures
  - d. Single Family Dwelling
  - e. Two-Family Dwelling
  - \* f. Home Occupations
  - g. Essential Services
  - h. Accessory Uses
  - i. Public Uses
  - j. Manufactured Dwelling
  
2. Conditional Uses (After being approved by the Board of Appeals and obtaining a Zoning Certificate)
  - a. Multi-Family Dwelling
  - b. Nursery and Nursing Home
  - c. Tourist Home
  - d. Mortuaries and Cemeteries
  - e. Semi-Public Uses
  - f. Local Businesses
  - g. Television or radio station transmitter or tower
  - h. Noncommercial Recreational Facilities
  - i. Planned Unit Development
  - j. Manufactured Home Subdivisions or Parks
  - k. Commercial Recreational Facilities
  - l. Residential Enterprise
  
3. Main Building Specifications
  - a. Minimum Lot Area: Twenty Thousand (20,000) sq. ft., excluding road right-of-way
  - b. Minimum Lot Width: One Hundred (100) feet
  - c. Minimum Front Yard: Thirty (30) feet
  - d. Minimum Rear Yard: Thirty (30) feet
  - e. Minimum Side Yard: Ten (10) feet each side
  - f. Minimum Lot Depth: One Hundred Twenty-Five (125) feet
  - g. Max. Bldg. Height: Thirty-Five (35) feet
  - h. Min.MainBldg.Size: Seven Hundred (700) square feet
  
4. Accessory Building
  - a. Accessory buildings shall be no closer than ten (10) feet of any property line.

403 Commercial District (C)

1. Uses permitted After obtaining a valid Zoning Certificate. However, NO Certificate is needed for those marked with an asterisk.
  - \* a. Agriculture
  - b. Farm Dwelling
  - \* c. Essential Farm Structures
  - d. Single Family Dwelling
  - e. Two-Family Dwelling
  - f. Local Businesses
  - g. Offices and Banks
  - h. Public Uses
  - i. Semi-Public Uses
  - j. Essential Services
  - \* k. Home Occupations
  - l. Residential Enterprise
2. Conditional Uses (After being approved by the Board of Appeals and obtaining a Zoning Certificate)
  - a. Multi-Family Dwelling
  - b. Manufactured Home Subdivisions or Parks
  - c. Planned Unit Developments
  - d. Cemeteries and Mortuaries
  - e. Theatres
  - f. Commercial Recreational Facilities
  - g. Noncommercial Recreational Facilities
  - h. Motels
  - i. Other Commercial Uses in accordance with the purpose of the district.
3. Minimum Lot Area: One (1) Acre (43,560 square feet)
4. Minimum Lot Width: One Hundred Fifty (150) feet
5. Minimum Front Yard: Thirty (30) feet from the edge of the road right-of-way
6. Minimum Rear Yard: Thirty (30) feet
7. Minimum Side Yard: None except when adjacent to General Farm District, Residential District or Rural Center District, then the minimum width shall be the same as required in the adjacent district.
8. Minimum Lot Depth: One Hundred Twenty-Five (125) feet
9. Max.Bldg. Height: Forty-Five (45) feet
10. Min.MainBldg.Size: Seven Hundred (700) square feet

404 Industrial District (I)

1. Uses permitted after obtaining a valid Zoning Certificate. However, NO Certificate needed for those marked with an asterisk.
  - \* a. Agriculture
  - b. Farm Dwelling
  - \* c. Essential Farm Structures
  - d. Single Family Dwelling
  - e. Manufacturing, Sale and Storage
  - f. Equipment Storage and Sales
  - g. Wholesale and Warehouse
  - h. Food Processing
  - i. Transport and Trucking Terminals
  - j. Grain Elevators and Feed Mills
  - k. Research and Testing Laboratories
  - l. Offices and Banks
  - m. Restaurants
  - n. Recreational Facilities (Commercial and Noncommercial)
  - o. Essential Services
  - p. Public Uses
  - q. Semi-Public Uses
  - r. Local Businesses
  - s. Cemeteries and Mortuaries
  - t. Motels
  - u. Kennels and Veterinary Clinics
2. Conditional Uses (After being approved by the Board of Appeals and obtaining a valid Zoning Certificate)
  - a. Junk Yards
  - b. Mineral Extraction, Storage or Processing
  - c. Television or Radio Station Transmitter or Tower
  - d. Industrial Uses not listed as a permitted use but in accordance with purpose of the District.
3. Minimum Lot Area: One (1) Acre (43,560 square feet)
4. Minimum Lot Width: One Hundred Fifty (150) feet
5. Minimum Front Yard: Thirty (30) feet from the edge of road right-of-way
6. Minimum Rear Yard: Thirty (30) feet
7. Minimum Side Yard: None except when adjacent to General Farm District, Residential District or Rural Center District, then the minimum width shall be the same as required in the adjacent district.
8. Minimum Lot Depth: One Hundred Twenty-Five (125) feet
9. Max. Bldg. Height: Forty-Five (45) feet
10. Min. Main Bldg. Size: Seven Hundred (700) square feet

## Section 5 Supplemental Regulations

### 500 Temporary Structures

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Inspection shall be made after a six month period to ensure compliance.

### 501 Deteriorated or Abandoned Structures

Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks or other structures in a similar condition which create a potential health hazard shall be demolished and removed.

### 502 Junk

Junk such as abandoned vehicles, household appliances, farm equipment or other similar articles that are not in operating condition or licensed as required by State Law or are creating a health or safety hazard shall be removed from the view of the public right-of-way.

### 503 Mineral Extraction, Storage and Processing

1. Extraction, storage and processing of minerals of all types shall be allowed only in those districts where expressly permitted, except the extraction and storage of sand or gravel on farms of five (5) acres or more shall be exempted when such gravel is for use on such farm.
2. Mineral extraction and related activities shall occur no closer than five hundred (500) feet from any structure intended for human occupancy.
3. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a map showing the areas to be mined and identifying adjacent property owners, roads, natural features and any additional information deemed necessary by the Zoning Inspector.
4. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.
5. The operator of any facility used for mineral extraction shall submit to the Zoning Inspector a plan outlining how the area shall be reclaimed. The plan shall include the anticipated future use of the property, final topography indicated by contour lines of intervals of not more than five (5) feet, the type of trees and shrubs, and number per acre, type and quality of grass to be spread, locations of roads, location of proposed drainage courses, plus any information deemed necessary by the Zoning Inspector.



6. The operator shall file, unless exempted by the County Commissioners, with the County Commissioners a bond, payable to the County and conditioned on the faithful performance of all requirements contained in the approved plan. The rate, per acre of property to be mined, of the required bond shall be fixed by the County Commissioners. The bond shall be released upon written certification of the Commissioners' designated inspector that the restoration is complete and in compliance with the restoration plan.
7. No mineral extraction, storage or processing shall be started prior to issuance of a Zoning Certificate and no Zoning Certificate shall be issued prior to posting of bond with the County Commissioners, unless such bond is exempted.

#### 504 Accessory Buildings

1. Accessory buildings shall not extend into any side or front yard requirements as set forth in Section 4 - Districts.
2. Accessory structures may occupy not more than one-half (1/2) of the width of the rear lot line and not more than fifty (50) per cent of the required rear yard area.

#### 505 Yard Requirements

1. Interior lots having frontage on two streets shall provide the required front yard on both streets.
2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along both right-of ways.
3. Yard requirements shall not apply to steps, overhanging eaves, and cornices, however, these portions of buildings shall not project over any property line or street right-of-way.
4. In situations where forty (40) per cent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with new structures, new buildings shall be erected no closer, or farther, to the right-of-way than the average distance as established by existing buildings.

#### 506 Home Occupations

1. Home Occupations may occur in the owner's dwelling, garage or accessory building.
2. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.
3. Only residents of the dwelling may be employed by the Home Occupation.
4. Home Occupations include, but are not limited to: Beauty Shops, Seamstresses, shops for the repair of small appliances or motors, or craft supplies and training.
5. No permit is required to conduct a Home Occupation.

507 Residential Enterprise

1. A maximum of two (2) nonresidents of the dwelling may be employed by the owner.
2. The Residential Enterprise shall be a use that is clearly incidental to the use of the dwelling as a residence.
3. The Enterprise may occur in the dwelling, garage or accessory building of the owner.
4. Acceptable Residential Enterprises are the same as those listed for Home Occupations.
5. Residential Enterprises are permitted only after the owners obtain a valid Zoning Certificate for the activity.

508 Correction Period

All Zoning violations shall be corrected within thirty (30) days of receipt of a written notice of said violation by the owner of the property. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action.

509 Planned Unit Development

1. All planned unit developments shall be subject to the following rules, regulations, criteria and standards:
2. The requirements required to obtain a Conditional Use Permit shall be followed.
3. Planned unit developments shall only be permitted in Districts identified for such uses in these Regulations.
4. All applicable State and Local Regulations shall be followed during the planning, design, construction and occupation of a planned unit development.
5. The Board of Zoning Appeals shall consider the following points when making their decision:
  - a. Different types of living environments are available by offering a variety of housing and building types and by permitting an increased density of housing units per acre through a reduction in lot dimensions, yard, setbacks and area requirements.
  - b. A well thought-out pattern of open space and recreation areas convenient to accessory uses and dwellings is included.
  - c. A development pattern that preserves the natural topography, geological features and vegetation without disrupting natural drainage features.
  - d. That a more efficient use of land is achieved resulting in savings through shorter street and utility lines.
  - e. A development pattern consistent with the land use density transportation facilities and community facilities objectives.
  - f. That the planned unit development does not adversely affect the neighboring land uses.
  - g. A Planned Development Project shall generally conform to the Ashland County Optimum Land Use Plan and any standards proposed therein.

#### 510 Keeping of Animals, Fowl or Bees

1. Cows, horses, swine, sheep or goats shall not be kept on lots of less than two (2) acres.
2. Chickens, fowl or rabbits shall not be kept on lots of less than twenty thousand (20,000) square feet. All animals shall be provided with suitable shelters to avoid disturbing neighbors.
3. Colonies of bees shall not be located on lots of less than twenty thousand (20,000) square feet. A minimum of one thousand (1,000) square feet shall be required for each colony.
4. Animal runs, barns, pens, shelters or colonies shall be no closer than one hundred fifty (150) feet to the front property line or dwelling.
5. All health and sanitation requirements of the State or County shall be followed.

#### 511 Public Nuisances and Hazards

No land, building, or use shall be used or occupied so as to be a nuisance or hazard to adjoining property owners or adversely affect neighboring areas. All noxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as not to be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners and uses.

#### 512 Noise Pollution

1. No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment of a condition of noise pollution.
2. These Regulations shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:
  - a. The intermittent or occasional use, during the day-time, of light residential outdoor equipment or commercial service equipment.
  - b. Construction activities and the associated use of construction devices nor to the noise produced thereby.
  - c. The operation of any motor vehicle on the public way, nor to the noise produced thereby.
  - d. Legitimate use of farm equipment for farm uses.
  - e. Hunting or the noise produced thereby.

#### 513 Flood Plain Areas

1. The Flood Plain Area is that area which would be inundated (under water) by a 100 year flood or which is identified as having alluvial (bottom soil) or other flood prone soils on soil surveys.

2. Purpose

The regulations, governing the development and use of land subject to flooding, are established for the following purposes:

- a. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters;
  - b. To protect stream channels from encroachment;
  - c. To maintain the capacity of the flood plain to retain flood waters;
  - d. To provide for the development of flood plain lands with uses not subject to severe damage by flooding;
  - e. To permit only uses and improvements on flood plain lands that are not hazardous during flood periods;
  - f. To avoid the creation of new flood problems.
3. The Flood Plain Area may be combined with any zoning district. Only those uses listed for that Zoning District shall occur in flood hazard areas.
4. The following regulations apply to all uses within identified flood plain areas:
- a. Structures located in the regional flood plain shall not be used for human habitation.
  - b. Hazardous or toxic substances shall not be stored in flood prone areas, including cars and machinery which contain oil, grease, antifreeze, etc.
  - c. Permitted Uses:
    - (1) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
    - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
    - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, and camping.
    - (4) Residential uses such as lawns, gardens, parking areas and play areas.
    - (5) Extraction of sand or gravel.

- d. Any uses not specifically set forth herein shall require approval by the Board of Zoning Appeals. The Board of Zoning Appeals shall require all conditions and restrictions to be complied with and may require additional conditions and safeguards as required to assure that the purpose of this Flood Plain Area is achieved. All conditions, safeguards, or restrictions shall be listed on the Zoning Certificate issued by the Zoning Inspector. The Board of Zoning Appeals may request assistance from the Ohio Department of Natural Resources in assessing the effect of the proposed conditional use.
- e. Where there is a disagreement over the exact location of the boundary of the Flood Plain Area, the Board of Zoning Appeals shall direct the person questioning the boundary location to retain at their own expense a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100 year flood.
- f. If a person desires to utilize the land as permitted by the district with which the Flood Plain Area is combined but such utilization is not permitted in the Flood Plain Area, and it can be shown in accordance with specifications for two district flood plain delineation that such use will not increase flood stages during the 100 year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use. The Zoning Commission may request the County Board of Health to do part or all of the engineering work associated with a special use investigation.

#### 514 Conservation Areas

1. Structures and land uses located in Conservation Areas shall be subject to the following regulations.
2. Conservation Areas are areas as defined below:
  - a. Hillside of more than twelve per cent (12%)
  - b. Marsh areas
  - c. Areas with unusual or unique flora, fauna, geologic features, archeological sites, scenic features or similar attributes
  - d. Scenic highways with adjoining lands
  - e. Other areas where conservation of land or resources is important to the general health, safety or welfare of the community
3. In such areas the Zoning Inspector shall review the site following the submission of an application for a Zoning

Certificate. The application shall include the following information:

- a. A plan of the proposed development
  - b. Location of present and future structures
  - c. Changes in topography, drainage patterns or vegetation
  - d. Proposed use of the land
  - e. Any additional information deemed necessary
4. The application shall be reviewed by the Regional Planning Commission, the Soil and Water Conservation Service, and the Ohio Department of natural Resources. A written statement shall be submitted to the Zoning Commission by each reviewing agency listing its conclusions.
5. The Zoning Commission may grant a Zoning Certificate to the individual based on the reviews conducted by the Zoning Inspector, the agencies that are listed above and any additional information introduced by interested parties.

#### 515 Signs

1. All signs located in Orange Township shall follow the requirements of these Regulations.
2. The following signs shall be permitted in any District. No permit shall be required.
  - a. Real estate rental or sale signs of less than thirty (30) square feet.
  - b. Signs advertising Home Occupations of not more than six (6) square feet.
  - c. Signs listing the name and address of occupants of a structure not exceeding four (4) square feet.
  - d. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding forty (40) square feet.
  - e. Entrance, exit or directional signs.
  - f. Temporary signs advertising special events or the construction of buildings or similar purposes, such signs shall be removed within two (2) weeks of the completion of the advertised activity.
  - g. Political signs not exceeding four (4) square feet, these signs must be removed within two (2) weeks of the election.
  - h. Signs erected by governmental agencies.
  - i. Signs on the premises of commercial or industrial uses; the edge of such signs shall not be closer than fifteen (15) feet to the right-of-way.
  - j. Signs advertising roadside stands not exceeding four (4) square feet.
  - k. Farm signs denoting the name and address of occupants, denoting advertising for produce or merchandise sold on such farms, and denoting membership organizations. No limitation on size and number.

3. Outdoor advertising signs not located on the premises of the establishment advertised shall be governed by the following:

- a. Zoning Certificates shall be required for this type sign.
- b. Such signs shall be set back from the edge of the right-of-way as required by the following table:

Size	Setback
Less than or equal to 10 sq.ft.	10 feet
11 to 30 square feet	20 feet
31 to 50 square feet	30 feet
51 square feet or greater	50 feet

- c. Signs shall be separated from each other a minimum of ten (10) times the average size of the signs; signs shall be not less than one hundred (100) feet apart.
- d. Signs shall not be located less than one hundred (100) feet to a residential structure.
- e. No sign shall be greater than one hundred (100) square feet in total surface per side.
- f. Signs adjacent to interstate highways shall be governed by applicable State Regulations.

4. The following types of signs are prohibited:

- a. Signs attached to or painted on trees, rocks or natural features.
- b. Flashing or illuminated signs that distract drivers.
- c. Signs that resemble devices erected under governmental authority.
- d. Signs located in dedicated right-of-way.
- e. Signs deemed to be unsafe or a public hazard.

5. Any signs not specifically set forth in Section 515 must be submitted to the Zoning Board of Appeals for consideration.

#### 516 Nonconforming Buildings and Uses

- 1. Any lawful uses of buildings or land existing at the time of the adoption of this Resolution may continue, even though such use does not conform to the District requirements.
- 2. A nonconforming structure or use may be enlarged a maximum of twenty per cent (20%) of the original floor or ground area provided that all other requirements concerning set-back and lot area are met.
- 3. Whenever a building or land use becomes nonconforming through an amendment to this Resolution or to the Zoning Map, such use may continue.
- 4. Any nonconforming use that is discontinued for a period of

two (2) or more years shall not again be started except in total conformance with this Resolution.

5. Any structure under construction at the time of the adoption of these Regulations designed for a nonconforming use may be used for its intended purpose.
6. A nonconforming building or structure damaged by fire, explosion, act of nature or public enemy to the extent that up to seventy five per cent (75%) of the structure must be replaced, may be restored to the same use within twelve (12) months provided all reconstruction portions of the structure conform to the requirements of this Resolution.

#### 517 Junk Yards

1. Junk yards shall only be operated after an application for a conditional use permit has been approved by the Board of Zoning Appeals for said use.
2. Junk yards shall only be located in Districts designed for said use.
3. All junk yards shall be totally surrounded by a minimum of a ten (10) foot high fence so that the contents are not visible from adjoining right-of-ways.
4. All junk yards shall totally comply with applicable sections of the Ohio Revised Code.

#### 518 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Resolution may occur in a District. A list of these uses is located in Section 4 of this Resolution. A special permit must be obtained from the Board of Zoning Appeals before the development of any of these uses may occur. Land uses occurring at the time of adoption of this Resolution classified as "Conditional Uses" may continue without a permit. For more information on Conditional Uses, see Section 7 of this Resolution.

#### 519 Manufactured Homes

All Manufactured Homes located in Orange Township are subject to the following requirements:

1. The manufactured home shall have seven hundred (700) square feet of living space, excluding porches, patios and garages.
2. The manufactured home shall be placed on a foundation with footers located below the frost line and be properly anchored and skirted.
3. The manufactured home must meet all the requirements of the Ashland City-County Board of Health.



4. The lot on which said manufactured home is set must be owned by the person or persons occupying said manufactured home.

In some cases the Board of Zoning Appeals may grant a variance for the location of a manufactured home on the same lot as a residence in cases of extreme family emergencies. In such cases the following conditions shall apply:

1. An application including an explanation for the reason for the request shall be submitted to the Board of Zoning Appeals.
2. Said manufactured home shall be occupied only by a member of the immediate family of a resident of the main dwelling.
3. An inspection of the manufactured home shall be made every twelve months by the Zoning Inspector and a report then made to the Board of Zoning Appeals. If the emergency condition no longer exists, the manufactured home shall be removed within sixty (60) days.
4. The siting of the manufactured home is approved by the Ashland City-County Board of Health certifying the adequacy of the septic system and water supply.
5. Provisions are to be made to assure an adequate safe electrical supply.
6. Rental payments for the use of the manufactured home or land on which it rests are prohibited. If rental payments are received, the special permit will be rescinded and the manufactured home removed within sixty (60) days.

#### 520 Manufactured Home Parks and Subdivisions

1. Manufactured Home Parks and Subdivisions: Manufactured home parks and subdivisions are permitted in those Districts specified in Section 4 of this Resolution. All manufactured home parks and subdivisions shall meet the following conditions and criteria:
  - a. The applicant presents plans, specifications, design criteria and other data for the proposed park or subdivision in a form suitable for making the determination herein required by the Board of Zoning Appeals.
  - b. Such plans, at a scale approved by the Board of Zoning Appeals, shall show the location and dimensions of streets and other roadways, lots, typical lot improvements, areas for recreation, storage, accessory uses and on and off street parking, buffering, screening or fencing, provisions for garbage and trash removal, location of utilities, including street lighting, pedestrian walkways, drainage, and such other things the Board of Zoning Appeals deems necessary.
  - c. All manufactured home parks and subdivisions shall meet current State or Local Regulations governing their placement and occupancy.

2. Standards for Manufactured Home Parks and Subdivisions:

- a. Size of site: Minimum of ten (10) acres;
- b. Density: Maximum of four (4) mobile homes per gross acre;
- c. Minimum Number of Sites: A minimum of twenty-five (25) at first occupancy;
- d. Width: Minimum width of the development shall be two hundred fifty (250) feet;
- e. Depth: Maximum depth of the development shall not exceed five (5) times the width;
- f. Buffering: The outer boundaries of the park shall contain a buffer zone composed of a green strip of not less than fifty (50) feet in the front and twenty-five (25) feet on both sides and to the rear;
- g. Access: Access shall be provided into the park or subdivision with a minimum right-of-way of sixty (60) feet in width;
- h. Roads: Marginal access roads may be required if deemed necessary by the Board of Zoning Appeals. These streets shall have a minimum right-of-way width of sixty (60) feet and a pavement width of thirty (30) feet;
- i. Walkways: Walkways shall be provided with a minimum of three (3) feet and shall be paved;
- j. Recreation and Open Space: A maximum of seven per cent (7%) of the gross land area of the development shall be reserved for recreation and open space uses, excluding any yard requirements.

3. Standards for Lots

- a. Lots shall follow the minimum standards required in the current set of Subdivision Regulations for Ashland County.
- b. Setbacks: Required side and rear yard setbacks shall be the same as those normally required in the District in which the development is located.
- c. Parking: A minimum of four hundred (400) square feet of off-street parking per space or lot for two (2) cars shall be provided.
- d. Walkways: Each lot or space shall have a paved walkway of a minimum of three (3) feet in width leading to the main entrance from the walkway along the right-of-way.
- e. Skirting: Each manufactured home shall be completely skirted, entirely enclosing the bottom, within ninety (90) days of its placement.
- f. Pad: Each lot or space shall be provided with a stable base on which to place the manufactured homes and acceptable to the Board of Zoning Appeals.
- g. Lot Numbering: Each manufactured home space or lot shall be numbered for identification purposes.

## Section 6 Zoning Commission

### 600 Membership

1. The Zoning Commission, hereinafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Each member shall be appointed for a five (5) year term with the terms of the members to be of such length and so arranged that the term of one member will expire each year. A successor shall be appointed on the expiration of each term to serve five (5) years. Each member shall serve until his or her successor is appointed and qualified. Members of the Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. The Board of Township Trustees may remove any member for cause, after a public hearing, in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

### 601 Rules of the Commission

1. The Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission which shall be held during the month of January each year.
2. Meetings of the Commission shall be at the call of the Chairman and at such times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission and shall be filed in the Office of the Commission and shall be a public record.
3. If any member of the Commission is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.
4. The Zoning Commission shall require a quorum of three (3) members at all of its meetings and the concurring vote of three (3) members shall be required to affect any decision of the Commission.

5. The Commission may, within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

## 602 Changes and Amendments

1. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Trustees may, by Resolution after report thereon by the Commission and subject to the procedure in this Section, and/or the current State Law, amend, supplement or change the Regulations, district boundaries or classification of property, now or hereafter established by this Resolution.
2. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:
  - a. By motion of the Township Zoning Commission;
  - b. By passage of a Resolution therefore by the Board of Township Trustees, and a certification of the same by the Commission;
  - c. By the filing of an application by one (1) or more of the owners or leasees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
3. Applications: Applications initiated by private owners or leasees for any change of district boundaries or reclassification of districts as shown on the Zoning Maps shall be filed with the Zoning Commission upon forms approved by the Commission and accompanied by such data and information prescribed for the purpose of the Commission.
4. Fee: A fee established by the Township Trustees shall be paid to the Township upon the filing of each application for change of district classification, except for actions initiated by the Board of Township Trustees or the Commission. Said fee shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied.
5. Transmittal to the Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Commission shall transmit a copy thereof, together with text map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit

such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the commission.

6. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given as follows:
  - a. A notice shall be published in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.
  - b. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:
    - (1) The time, date and place of the public hearing.
    - (2) The name of the Zoning Commission that will be conducting the public hearing.
    - (3) A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.
    - (4) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the County Auditor's current Tax List.
    - (5) The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.
    - (6) The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least fifteen (15) days prior to the public hearing.

- (7) The name of the person responsible for giving notice of the public hearing (mailed or published). This will usually be the Chairman or Secretary of the Zoning Commission or the Clerk.
- (8) Any other information requested by the Zoning Commission.
- (9) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

In the case where more than ten (10) parcels of land as shown on the Auditor's current Tax List are proposed for rezoning OR when the proposed amendment involves any change to the text of the Zoning Resolution, Items 1, 2, 3, 6, 7, 8, and 9 above must be included in the notices.

- 7. Records: The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official action, all of which shall be filed in the Commission Office and shall be a public record.
- 8. Decision by Commission and Submittal to the Board of Township Trustees: The Commission shall study the proposed changes in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval, or denial of the proposed amendment or supplement on the basis, or the approval or some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereof, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.
- 9. Hearing and Notice by the Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing. Said Notice shall contain the information listed in Items 6b(1) through 6b(7) of this Section.
- 10. Action by the Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies

the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission.

11. **Effect and Referendum:** Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof, included in the Zoning Plan, equal to not less than eight (8%) per cent of the total vote cast for all candidates for governor in such areas at the last general election at which a governor was elected, requesting the Board of Township Trustees submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
12. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately. Aggrieved parties may appeal decisions to the Court of Common Pleas.



## Section 7 Board of Zoning Appeals

### 700 Membership

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.
2. The members of the Board shall serve the same length of terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Section 6. The Board of Township Trustees may remove a member for cause, after a public hearing in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

### 701 Rules of the Board

1. The Board shall by majority vote of its members elect a Chairman, a Vice-Chairman and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board.
2. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.
3. All meetings of the Board shall be open to the public.
4. Meetings of the Board shall be at the call of the Chairman and at such times as the Board may determine. The Board shall keep minutes of all meetings showing the proceedings, the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Board Office and be a public record.
5. The Board shall require a quorum of three (3) members at all meetings, and the concurring vote of three (3) members shall be required to effect any decision of the Board.
6. The Board may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.



702 Powers and Duties of the Board

1. Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, order, requirement, decision or determination by the enforcement of the provisions of this Resolution.
2. Variances: To authorize upon appeal, where, by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situations or conditions of a lot, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardships, providing such relief may be granted without substantially impairing the intent of this Resolution, and provided that no variance shall be granted unless the Board finds that all of the following conditions exist:
  - a. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.
  - b. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
  - c. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.

In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Zoning Resolution. These conditions shall be made a part of and be attached to the Zoning Permit which is required for a variance.

3. Conditional Uses: To hear and decide all Conditional Uses that are specifically listed within the various Districts; and to grant Conditional Use Zoning Certificates for the use of land, buildings or other structures as provided for in this Resolution. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

- a. The Conditional Use is specifically listed or interpreted as listed in the District in question.
- b. The Conditional Use is in general accord with the Ashland County Optimum Land Use Plan.
- c. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

In granting a Conditional Use the Board may impose such conditions as it may deem necessary to protect the public health and safety and to further the purpose and intent of this Resolution.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because of the provisions of this Zoning Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without the Board of Zoning Appeals' interpretation. Request for an exception may be requested by the applicant or by the Zoning Inspector.
5. Fees: Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

#### 703 Procedures

1. Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board and said records shall be filed in the Office of the Board of Township Trustees and shall be a public record.
2. Appeals: Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be made within twenty (20) days after the

decision by filing with the administrative officer and with the Board, a notice of such appeal specifying the grounds on forms approved by the Board. The administrative officer shall transmit to the Board all the paper constituting the record upon which the action appealed was taken.

3. Variances, Exceptions and Conditional Uses: All applications for variances, conditional uses and exceptions shall be made to the Board of Zoning Appeals in writing and on forms prescribed.
4. Public Hearing and Decision: When a notice of appeal, variance, conditional use, or exception has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing for same, give at least ten (10) days' written notice to the parties in interest and to any person, firm, or corporation owning premises located within five hundred (500) feet of the land to which such appeal, variance, conditional use, or exception is related; advertise notice of hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. Upon the hearing, any person may appear in person or by attorney. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. The Board must decide the appeal, variance, conditional use, or exception within a reasonable time after it is properly submitted.
5. Refusal of the Appeal: The refusal of an applicant's request by the Board of Zoning Appeals can only be appealed to the Court of Common Pleas of Ashland County.

Section 8 Administration

800 Zoning Inspector

The Board of Township Trustees shall appoint a Township Zoning Inspector, and affix his compensation. It shall be the duty of the Zoning Inspector to:

1. Enforce the provisions of this Resolution.
2. Issue permits as provided in this Resolution, and keep record of all permits issued or refused with a notation of any special conditions involved.
3. File and safely keep copies of all plans submitted, and the same shall form a part of the records in his or her office.
4. Maintain a certified copy of the text of this Resolution and of the Zoning Map.
5. Keep records of all violations and/or complaints.
6. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.
7. Submit all zoning fees collected to the Township Clerk within thirty (30) days.

801 Zoning Certificates

1. Requirements: No person shall locate, erect, construct, reconstruct, enlarge or structurally alter a non-farm building or structure within the Township without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with the Zoning Regulations.
2. Applications: Zoning Certificates shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection or exterior alteration of any building, costing or valued at One Thousand Dollars (\$1,000.00) or more. Applications for Zoning Certificates shall be made in writing by the owner or by his authorized agent and

shall include a statement of the use or intended use of the building or structure after construction, erection or alteration and shall be accompanied by a plan drawn to scale, showing the proposed building line and its exact relation to lot and road lines as well as satisfactory evidence that the line or lines of the bounding road or roads have been accurately located on the ground. The required fee as established by the Board of Township Trustees shall accompany each application for a Zoning Certificate. Zoning Certificates are not transferable.

3. Fees: The Board of Township Trustees may adopt a system of Zoning Certificates, establish and collect reasonable fees thereof, and amend such fees, or adopt new fees, from time to time when necessary.

#### 802 Enforcement and Penalties

1. Enforcement: This Resolution shall be enforced by the Zoning Inspector or such enforcement Officer as may be designated by him.
2. Revocation of Zoning Certificates: Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice, in writing, to be delivered to the holder of the void certificate upon the premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Violation: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
4. Fine: Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use of continues may be deemed a separate offense.

803 Interpretation, Purpose and Conflict

In interpreting and applying the provision of this Resolution, they shall be held to the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the community. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than those that are imposed or required by other provisions, this Resolution shall control.

804 Validity

If any section, paragraph, subdivision, clause, sentence or provision of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid; such adjudgment shall not impair, invalidate or nullify the remainder of this Resolution. The effect shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

805 When Effective

This Resolution shall be in full force and effect from and after its passage and as provided by the Ohio State Law (Section 519.11 ORC).

AMENDMENT TO  
ORANGE TOWNSHIP ZONING RESOLUTION

Effective November 19, 1987

Paragraphs 506(3), 507(1) and 703(4) are amended to read as follows:

506(3): Only residents of the dwelling may work in the Home Occupation.

507(1): A maximum of two (2) nonresidents of the dwelling may work in the Residential Enterprise.

703(4): PUBLIC HEARING AND DECISION: When a notice of appeal, variance, conditional use, or exception has been filed in proper form with the Board of Zoning Appeals, the Board shall fix a reasonable time for the public hearing for same, give at least ten (10) days' written notice to the parties in interest and to any person, firm, or corporation owning premises adjoining to and directly across the street to the land to which such appeal, variance, conditional use, or exception is related; advertise notice of hearing by one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of said Hearing. Upon the hearing, any person may appear in person or by attorney. The Board may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required. The Board must decide the appeal, variance, conditional use, or exception within a reasonable time after it is properly submitted.