

TO: Barbara J. Harding, Ashland County Recorder

In compliance with your letter requiring the filing of amendments to zoning resolutions, the following are submitted from the Jackson Township Zoning Resolution completed in September, 1995:

Section 1 - General Regulations

108 Agricultural uses, excluding related residential and agribusiness uses and those provisions specifically relating to agricultural districts, are exempt from these regulations.

109 No sales, transfers, divisions or creation of new lots after the effective date of this resolution are permitted which fail to meet the minimum lot size requirements as outlined in this resolution. As the result of any sale, transfer, or division all involved lots or parcels, including the original or residual parcel must meet the minimum size requirements outlined in this resolution. Transfers between adjacent property owners which consolidate properties into a single parcel larger than its parts are permitted regardless of lot size minimums.

110 Disposal, processing, or storage of nuclear contaminated materials is specifically forbidden in Jackson Township regardless of the zoning district.

111 Disposal, processing, or storage of any materials which fall into the category of hazardous or toxic waste is specifically forbidden in Jackson Township regardless of the zoning district.

112 Commercial disposal, processing, or storage of waste suitable for a landfill is specifically forbidden in Jackson Township regardless of the zoning district. The creation of any sanitary waste disposal facility, including travel trailer dumping stations, must be approved by the Jackson Township Board of Zoning Appeals and the Ashland County Department of Health and a permit received prior to construction.

113 Commercial or private landfills are expressly forbidden in Jackson Township.

114 Manufacturing, sales, storage or distribution of fireworks or explosives is expressly forbidden in Jackson Township.

115 No more than one (1) main structure may be located on a lot of record in Jackson Township.

116 Junkyards or recycling centers shall not be permitted in Jackson Township.

117 Commercial shooting ranges are expressly forbidden in Jackson Township.

118 Building lots defined as "backlots" are prohibited in Jackson Township.

119 Fees: Fees as established by the Jackson Township Board of Trustees shall be paid upon the filing of a request

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RECEIVED FOR RECORD
At Dec. 19, 1995
O'clock A. M.
Recorded Dec. 19, 1995
IN THE OFFICIAL RECORDS BOOK
No. + Page —
Barbara J. Harding
Fee \$ 54.00 Ashland County Recorder

for a variance, conditional use permit, preliminary zoning permit or renewals thereof or other permits as provided for by this resolution. Said fees shall be paid to the Board of Trustees and shall not be refunded.

120 Any property owner who has received written notice of a zoning violation will not be eligible to obtain a zoning certificate for any new construction on the same lot until the violation in question has been resolved.

Section 3 - District Uses

300 General Farm District

1. Permitted Uses

- E. Public Uses
- F. Semi-public uses

3. Requirements

- C. Minimum front yard: Eighty five (85) feet from the center of road or street, including porches or decks.
- D. Minimum rear yard: Fifty (50) feet.
- E. Minimum side yard: Twenty-five (25) feet each side.

301 Residential District

3. Requirements

- A. Minimum area: two (2) acres (87,120 sq. ft.)
- B. Minimum lot width: One hundred sixty-five (165) ft.
- C. Minimum front yard: Eighty-five (85) feet from the center of the road or street, including porches or decks.
- D. Minimum rear yard: Fifty (50) feet.
- E. Minimum side yard: Twenty-five (25) feet each side.

302 Rural Center

2. Conditional uses

- L. Home occupations

3. Requirements

- C. Minimum front yard: Fifty (50) ft. from the center of the road, including porches or decks.
- D. Minimum rear yard: Thirty (30) feet.
- E. Minimum side yard: Eight (8) feet.
- F. Minimum sum of both sides: Twenty (20) ft.
- I. Maximum percent of lot coverage: Thirty (30) Percent.

303 Commercial District

1. Permitted uses

- E. Accessory uses
- G. Commercial kennels and veterinary clinics
- J. Multi-family dwellings not exceeding four (4) units
- K. Home occupations
- L. Vehicle and machinery repair facilities

3. Requirements

- A. Minimum area: two (2) acres (87,120 sq. ft.)

- B. Minimum lot width: One hundred sixty-five (165) ft.
- C. Minimum front yard: Eighty-five (85) feet from the center of the road or street, including porches or decks.
- D. Minimum rear yard: Fifty (50) feet.
- E. Minimum side yard: Twenty five (25) feet each side.
- F. Minimum lot depth: Two hundred (200) feet from the centerline of road or street.
- G. Maximum building height: Thirty-five (35) feet.

304 Industrial District

3. Requirements

- A. Minimum area: two (2) acres (87,120) sq. ft.
- B. Minimum lot width: One hundred sixty-five (165) ft.
- C. Minimum front yard: Eighty-five (85) feet from the centerline of the road or street.
- D. Minimum rear yard: Fifty (50) feet except adjacent to residential district where one hundred (100) feet is required.
- E. Minimum side yard: Twenty five (25) feet each side except adjacent to residential district where one hundred (100) feet is required.
- F. Minimum lot depth: Two hundred (200) feet from the centerline of road or street.
- G. Maximum building height: Forty-five (45) feet.
- H. Minimum main building size: 1500 square feet.

Section 4 - Definitions

- 402 Accessory Buildings: Any building or structure which is separate from the main building, but located on the same parcel as the main building, in any zoning district.
- 404 Agribusiness: Any use of land or buildings to sell a product or service which is used primarily by farmers in the pursuit of agriculture.
- 406 Automatic Expiration: A time limit placed on the period of time a conditional use permit is valid by the Board of Appeals prior to issuance of the permit.
- 407 Backlot, building lot: Any building lot which is positioned so as to preclude a minimum of one hundred and sixty five (165) feet of frontage from being located at the road directly in front of the building.
- 413 Butchering, Custom: A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.
- 414 Butchering, commercial: A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.
- 415 Zoning Commission or Commission shall mean the Jackson Township Zoning Commission.
- 416 Commercial Shooting Ranges: Any area where the property is used to allow shooting for a fee or fees paid to the owner or operator whether that owner-operator is an individual, an association or a corporation.

418 Conditional Use Permit: A permit granted by the Jackson Township Board of Zoning Appeals for a conditional use of property.

419 Dwelling

1. Manufactured Dwelling: 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 and twenty (720) square feet, excluding porches and garages, of living area and from which all wheels, tongues and axles have been removed. A constructed unit that is approved by the Ohio Department of Industrial Relations. Approved manufactured dwellings will carry a certification sticker from the State of Ohio. All manufactured dwellings 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 dwellings from manufacturers certified as per Section 4101.2-98 may be located in Jackson Township. All manufactured dwellings located in Jackson Township shall be installed using tiedown straps and suitable ground anchors. Manufactured Dwellings shall not be considered as single family dwellings for location on individual lots of record. All manufactured dwellings located in Jackson Township shall be located in Manufactured Dwelling parks.

2. 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 and which contains a minimum of seven hundred and twenty (720) sq. ft. of habitable floor area exclusive of porches or garages. Such installation includes its placement. This definition includes sectional units, but not manufactured houses. A single modular home shall be considered a single family dwelling. Modular homes must be set on a permanent foundation with footers below the frost line and taxed as real property.

3. Single Family Dwelling: A dwelling which is designed for and occupied by not more than one family and containing a minimum of seven hundred twenty (720) sq. ft. of habitable floor area exclusive of porches or garages.

4. Two Family Dwelling: A structure on a single lot of record containing a maximum of two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of seven hundred and twenty (720) sq. ft. of habitable floor area exclusive of porches or garages.

5. Multi Family Dwelling: A structure on a single lot of record containing a maximum of four (4) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior,

5

except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of four hundred (400) sq. ft. of habitable floor area exclusive of porches or garages.

422 Final Zoning Permit: A zoning permit which is issued after completion of construction, alteration or changes in the use of any structure or property in Jackson Township. There is no term limit on a Final Zoning Permit.

423 Floor Space: Square footage of a building excluding porches, manufactured dwelling "pull outs", garages, decks, basements and other similar additions.

427 Home Occupation: A home occupation is a business conducted in the dwelling, garage, or accessory building of the owner of the residence. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation shall not create undue amounts of traffic, noise or nuisances for neighboring property owners. Home occupations include, but are not limited to the following: real estate office, barber shop, beauty shop, doctor offices, leather shops, crafts, or repair shops for small appliances. Specifically excluded from the home occupation category are the following: heavy equipment and truck repair, except for a maximum of two (2) pieces of equipment or trucks owned and operated by the property owner as his primary occupation.

428 Kennels: Any land used to house dogs for commercial purposes including breeding dogs for sale. A kennel license obtained by the property owner shall automatically deem the kennel to be a commercial kennel which must adhere to the commercial kennel regulations in this resolution.

429 Junk yard or recycling center: An open area where waste scrap metal, paper, two (2) or more unlicensed motor vehicles or other motor vehicles or parts thereof, 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.

435 Neighborhood Commercial: Land used for construction or use by a commercial enterprise to provide domestic goods or services to those residents in the immediate area such as grocery stores, appliance services, etc.

440 Preliminary zoning permit: A permit issued after application for a zoning permit to allow the permit holder to construct, alter or change the use of structures or property in Jackson Township. The term of a Preliminary Zoning Permit is limited by this resolution and is considered temporary pending the issuance of a Final Zoning Permit.

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

447 Service Uses: An enterprise engaged in the business of providing support for the convenience of individuals or other businesses. These may include but are not limited to the following uses: plumbers, electricians, heating contractors, printers, landscapers, and product distributors.

Section 5 - Supplemental Regulations

500 Temporary Structures

Temporary Structures for human habitation may be permitted during construction or reconstruction of a residence. Such temporary structure shall be used only after approval by the Ashland County Health Department of the sewage system and water supply. A permit for the location of said temporary structure shall be required. The permit issued by the Jackson Township Zoning Inspector shall be valid for six months. All temporary structures shall be inspected after six months. The temporary permit may be renewed for an additional six (6) month period. In no case shall a temporary structure be used for more than one year.

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 potential health hazards or nuisances shall be demolished and removed. Any of the above structures, destroyed by fire or other causes, must be demolished and the debris removed before a building permit shall be issued, or within 90 days, whichever comes first.

502 Junk

Scrap metal, paper, two (2) or more abandoned or unlicensed 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 or nuisances shall be removed from the view of the public and placed in an enclosed structure.

504 Accessory Buildings

1. A zoning permit shall be required for accessory buildings greater than 10 feet x 12 feet in any district.

2. Accessory buildings shall be located in the side or rear yard.

4. Accessory buildings shall not occupy more than ten (10) percent of the required yard.

5. Mobile homes, manufactured dwellings, truck bodies, semi-trailers, vans, buses, train cars and other similar vehicles shall not be utilized as accessory buildings in any district in Jackson Township.

6. Accessory buildings greater than 10 feet x 12 feet must be placed on a permanent foundation with footers extending downward below the frost line. Said foundations shall be constructed to be positioned within four (4) inches of the periphery of the building. Accessory buildings of pole or clear-span steel construction are exempt from this regulation.

505 Yard Requirements

2. In the case of corner lots used for residential purposes, the required front yard shall be provided for along the right of way that the residence fronts on.

506 Home Occupations

1. Home occupations may occur in the owners 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, leather working, shops for the repair of small appliances or motors, or craft supplies and training.

507 Residential Enterprise

1. A maximum of two (2) nonresidents of the dwelling may be employed by, or work for, 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 providing the enterprise does not exceed a maximum of 1,500 square feet.

4. Residential enterprises are permitted only after the owners obtain a valid conditional use permit for the activity.

6. Truck and heavy equipment repair is specifically excluded from residential enterprises.

7. The structure used as a residential enterprise shall be subject to an inspection by the zoning inspector every six (6) months to ensure compliance with these regulations.

508 Correction Period

All zoning violations shall be corrected within thirty (30) days - or a stipulated period established by the Jackson Township Board of Zoning Appeals- 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.

510 Keeping of Animals, Fowl or Bees

1. Not more than one of the following: Cow, horses, swine, sheep or goats shall be raised on lots of less than two and one half (2½) acres.

4. Animal runs, barns, pens, shelters or colonies shall be constructed no closer than one hundred feet to any other property line or dwelling.

513 Signs

2. The following signs shall be permitted in any District. No permit shall be required, however, setback dimensions as contained in the Resolution's Section 513-3-b and 513-3-c must be complied with:

A. Real estate rental or sale signs of less than six (6) square feet per side.

5. When the Regulations conflict with applicable State Requirements, said State requirements shall apply.

514 Nonconforming Buildings and Uses

4. Any nonconforming use that is discontinued for a period of one (1) or more years shall not again be started except in total conformation with these Regulations.

5. Any structure under construction at the time of adoption of these Regulations designed for a conforming use may be used for its intended purpose. However, failure to complete the construction under permit within a twelve (12) month period shall render the permit invalid and said structure shall be removed from the premises.

6. A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that up to fifty (50) per cent 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 these Regulations.

7. A nonconforming building or structure damaged by fire, explosion, act of nature or a public enemy to the extent that more than fifty per cent (50) of the structure must be replaced, may be reconstructed by meeting all standards applicable to new dwellings or structures set forth in this resolution. Upon determination of the extent of required reconstruction as being in excess of fifty per cent (50%) said nonconforming use shall be rescinded.

8. Replacement of a nonconforming building or structure is permitted only if the new building or structure meets all standards applicable to new dwellings or structures set forth in this resolution. Upon replacement of the building or structure said nonconforming use shall be rescinded.

515 Conditional Uses

4. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards including time constraints and automatic expirations in conformity with this resolution. Violations of such safeguard and conditions, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under the provisions outlined in Section 8 of this resolution. A conditional use permit may be granted with an automatic termination at which time the conditional use permit shall expire.

5. Expiration of a conditional use permit. A conditional use permit, properly granted, shall be deemed to authorize only one particular conditional use and said permit shall automaticall expire if, for any reason, the conditional use shall cease for more than six (6) months. A conditional use permit shall automatically expire on any automatic termination date set forth in the conditional use permit application approved by the Board.

616 Swimming Pools

1. For the purposes of this resolution, swimming pools shall be defined as all inground pools.

2. Before constructing or installing a swimming pool, a valid zoning certificate shall be obtained from the zoning inspector.

3. All swimming pools shall be surrounded by a cyclong, or solid wood fence at least forty-eight (48) inches high.

4. All gates shall be securely locked from the inside.

5. No swimming pool shall be located closer than twenty-five (25) feet from any property line.

517 Kennels

An accessory use or mome occupation. Any resident who purchases a kennel licensse from Ashland County shall be deemed as maintaining a kennel. Measures shall be taken to keep noise levels at a minimum so as to not disturb neighboring property owners.

518 Custom Butchering

Custom butchering, as defined, shall be permitted in those Districts identified in these Regulations. A facility used for Custom Butchering shall be located no closer than two hundred (200) feet to the residence of an adjacent property owner. No wholesale or retail trade shall be associated with the facility. The Ashland County Board of Health shall certify the adequacy of sanitary measures to dispose of animal waste and byproducts before the facility is occupied. Provisions for pasturage or long term care of animals to be slaughtered shall be prohibited.

519 Manufactured Home Parks

1. Manufactured Home Parks are permitted in those districts specified in Section 3 of this resolution. All manufactured home parks shall meet the following conditions and criteria:

A. The applicant presents plans, specifications, design criteria and other data for the proposed park in a form suitable for making the determination herein required by the Board of Zoning Appeals and all other pertinent information they may require in each individual application.

B. Such plans, at a scale approved by the Board of Zoning Appeals shall show the location and dimensions of streets and other roadways and lots.

C. All manufactured home parks shall meet current state or local regulations governing their placement and occupancy.

2. Standards for Manufactured Home Parks

D. Width: Minimum width of the development shall be three hundred (300) feet.

3. Standards for Lots

E. Skirting: Each manufactured home shall be completely skirted, entirely closing the bottom, within thirty (30) days of its placement. The term "skirting" shall mean the use of any rigid weatherproof material designed and installed in such a manner as to provide a solid or visual barrier between the underside of a manufactured home and the pad.

H. Tie-downs: Each manufactured home shall employ the use of tie downs to support it in high winds. Tie down anchors are to be furnished at the time of construction which are acceptable to the Board of Zoning Appeals.

I. All manufactured home size standards will comply with the minimum living space standards contained in Section 516 of this resolution.

Section 6 - Zoning Commission

600 Membership

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

2. Meetings of the Commission shall be in January and July of each year or at the call of the Chairman or at such other times as the Commission may determine.

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:

B. It is the intent of this Resolution to discourage all forms of zoning that result in small portions of the same platted property zoned differently.

700 Membership

702 Powers and duties of the Appeals Board

2. Variances:

A. The applicant's hardship cannot be one of economics alone; for hardship the required USE must remove all profitable USE from the land.

B. The hardship must result from the requirements of this resolution and not from the applicant's own actions.

C. Real hardship must be shown; it is not sufficient to allege that the granting of a variance will not have any harmful effect on the surrounding area.

D. The variance must not alter the essential character of the area.

E. The variance must not be contrary to the public interest even if hardship is shown.

4. Conditional Use Zoning Certificates: To grant a Conditional Use Zoning Certificate for the use of land, buildings or other structures if such certificate for specified uses are provided in the Jackson Zoning Resolution. (See Districts for Conditional Uses). All proposed conditional uses are subject to the general standards listed in Section 5, paragraph 515, parts 1, 2 and 3 of this resolution. Procedures for obtaining a conditional use permit are contained in Section 515 of this resolution.

703 Procedures

2. Appeals and Variances: Appeals and Appeals for Variances to the Jackson Township Board of Zoning Appeals may be made by any person aggrieved or by any officer of Jackson Township. Appeals and Appeals for Variances may only be filed after denial by the Jackson Township Zoning Inspector for a Preliminary Zoning Permit or a Final Zoning Permit in the particular case being argued by appellant. Such appeal shall be made within twenty (20) days after filing with the Township Clerk, a notice of such appeal, specifying the grounds for the appeal on forms approved by the Jackson Township Board of Zoning Appeals. A fee established by the Jackson Township Board of Trustees shall be paid to the Township Clerk upon the filing of each appeal. The Township Clerk shall transmit to the Appeals Board all the papers constituting the record upon which the action appealed from was taken.

Section 8 - Administration

801 Zoning Certificates

2. Applications: Preliminary Zoning Certificates shall be secured from the Jackson Township Zoning Inspector prior to construction, erection or exterior alteration of any building. Application for Preliminary Zoning Certificates shall be made in writing by the owner or by his authorized agent. The required fee as established by the Jackson Township Board of Trustees shall accompany each application for a Preliminary Zoning Certificate. Zoning Certificates are not transferable.

3. The application shall include the following information:

A. A plot plan drawn to scale showing the exact dimensions of the parcel of real estate to be built upon.

B. The location, dimensions, height and bulk of existing structures and structures to be erected.

C. A plan showing the ingress and egress locations to any thoroughfare along with proof of State of Ohio or County of Ashland permits if required.

D. A floor plan showing the exact dimensions of the building to be constructed or altered, including the alterations if changes are to an existing building.

E. The intended use of the property and buildings.

F. The yard, open area and parking dimensions.

G. If the proposed use shall require a health permit (sewage, water), the health permit issued by the proper authorities shall be verified as a requirement for a preliminary zoning permit.

12

4. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with these zoning regulations.

5. Within 30 days after receipt of applications, the Zoning Inspector shall issue a preliminary zoning permit if the application complies with the requirements of this resolution and the application is accompanied by the proper fee. The application is to be reviewed by the Jackson Township Zoning Inspector in conjunction with the Jackson Township Trustees ONLY to determine if the application meets all the criteria in this resolution. However, the final decision regarding the issuance of the preliminary zoning permit or final zoning permit rests solely with the Jackson Township Zoning Inspector. Should this application not meet the aforementioned criteria, the applicant shall be notified of the application shortcomings, a permit shall be denied by the zoning inspector and the Board of Zoning Appeals shall be notified of the denial.

6. The preliminary zoning permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or the intended use is changed within six (6) months of the date of the preliminary permit, a new preliminary permit is required. Exterior construction, including finished exterior walls, roofs, footers, windows, etc., shall be completed within twelve (12) months of preliminary permit issuance, unless a renewal permit is issued and fee paid. Preliminary permits may be renewed once during the construction process by the Zoning Inspector after applicant has demonstrated that construction has been in process during the term of the initial preliminary permit. After one renewal without completion of the construction process, a new preliminary zoning permit must be obtained following the procedure outlined for the initial preliminary zoning permit.

7. Construction shall be completed within one year from the date of issue or the permit will become null and void. New permits for the same project may be issued at any time. A one-time renewal is allowed for a Preliminary Zoning Certificate providing the procedure mentioned earlier in this resolution is followed.

8. Upon notification by the holder of a preliminary zoning permit that the project is completed, the Jackson Township Zoning Inspector shall inspect the project to ensure that it conforms to all sections of this resolution. If the project meets with the requirements of the resolution, the Zoning Inspector shall issue a Final Zoning Permit. There shall be no additional fee for the Final Zoning Permit. The aforesaid notification by the permit holder may be issued verbally.