

# MIFFLIN TOWNSHIP ZONING RESOLUTION

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PREPARED WITH THE ASSISTANCE OF:  
THE ASHLAND REGIONAL PLANNING COMMISSION

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## ARTICLE I Purpose and Title

### 101 Purpose

Whereas the Trustees of the Township of Mifflin deem it necessary to the promotion of the public health, safety, morals, comfort, and general welfare of what is known as Mifflin Township to regulate therein the use, size and location of buildings and other structures; the size and location of yards and other open spaces in relation to buildings and the use of land; and to carry out the comprehensive planning for the Township; the districts and regulations of this Zoning Resolution are hereby created and established and shall thereafter apply.

### 102 Title

This resolution shall be known as the Mifflin Township Zoning Resolution and may be referred to as the Zoning Resolution, this Resolution, or as these regulations.

## ARTICLE II General Provisions

### 201 Pending Applications for Zoning Permits

1. The Mifflin Township Zoning Inspector will not issue a zoning certificate to any applicant unless evidence of a valid health (sanitation) permit from the Ashland County Board of Health is in force unless such sanitation permit is not required by the health department for the land use in question. Any subsequent actions by the Health Department condemning the land use or rescinding the health permit or finding the dwelling unfit for human habitation shall also render the Mifflin Township Zoning Certificate null and void. A new zoning certificate is required before construction or use of the property may recommence. As assistance to applicants for a zoning permit, the approved procedure and order for obtaining both health permits and zoning permits is

- A. Apply to township for a zoning certificate
- B. Apply to the health department for a sanitation permit
- C. Approval of the zoning certificate by the township zoning inspector
- D. Final inspection and approval by the health department.

2. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a zoning permit has been granted before the enactment of this Zoning Resolution and the construction of which, from such plans, shall have been started within ninety (90) days of the enactment of this Zoning Resolution.

### 202 Uses Exempted From Zoning Resolution

1. Nothing within this Zoning Resolution shall confer power to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the use of land on which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure.

2. Nothing within this Zoning Resolution shall confer power in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

3. Nothing within this Zoning Resolution shall confer power to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

203 Farm Dwellings Not Considered Incidental to Agriculture

A structure used only as a dwelling for a person engaged in agriculture is not considered incidental to an agricultural use of the land so as to be exempt from township zoning pursuant to Section 519.01 of the Ohio Revised Code. All farm dwellings as permitted in this Zoning Resolution shall be subject to Zoning Permits and all other regulation of this Zoning Resolution.

204 Agricultural Exemption Not Applicable to Small Parcels

1. In all districts all parcels of land less than five (5) acres of land in area, and having more than seventy (70) percent of their land area used for purposes other than agricultural shall not be considered as agricultural land and shall not be eligible for the agricultural exemption of Section 519.21 of the Ohio Revised Code and shall adhere to the provisions of the district in which such parcel is located.

205 Greater Restrictions Prevail

Where this Zoning Resolution imposes greater restrictions than are imposed or required by other provisions of law, the requirements of this Zoning Resolution shall prevail.

206 Alterations

No building or structure shall be built or altered for uses other than those permitted in the district in which the structure is located.

207 New Land Uses

New land uses, other than those listed in these regulations, shall be prohibited on property in Mifflin Township.

208 Height Exemptions

Parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, exhaust stacks, stage towers, silos, scenery lofts and necessary mechanical accessories are exempt from the height restrictions listed in these regulations.

209 New Lots

New lots of record shall meet all minimum size requirements for the district in which they are located.

210 Additions

Any addition to an existing building shall not intrude into any required yard, open space, or setback area.

211 Contiguous Parcels

Two or more lots of record, or platted lots, when contiguous and owned by the same individual or entity, 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.

212 Existing Lots

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 as long as the minimum setback and side yard requirements are met.

213 Sales of New Lots

No sales of property are permitted which fail to meet the minimum size requirements as outlined in this resolution.

214 Landfills

Commercial or private landfills are expressly forbidden in Mifflin Township.

215 Restoring Unsafe Buildings or Structures

Nothing in this Zoning Resolution shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any Building Inspector or the Township Zoning Inspector; or from complying with his lawful requirements.

216 Compliance with Zoning Resolution

A lot may be used and a structure, altered, occupied, or used only as this Zoning Resolution permits.

217 Validity

If any article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other article, section, sentence, clause, provision, requirement, or portion of this Zoning Resolution which is not in itself invalid or unconstitutional.

ARTICLE III Definitions

301 For the purposes of this resolution, certain terms and words are described as follows: The words "used for" include "designed for" and vice versa; words used in the present tense include the future and vice versa; 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 "plot" and "parcel"; and the word "shall" is mandatory and not directory.

302 Accessory Use: A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or building and located on the same lot with such principal use.

303 Agriculture: The use of land for farming, dairying, pasturage, agricultural, horticulture, floriculture, viticulture and 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.

304 Bed and Breakfast: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

305 Board: Shall mean the Mifflin Township Zoning Board of 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 highest point of the roof surface.

308 Campground: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes

309 Commercial Butchering: A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.

310 Conditional Use: A use which is subject to approval by the Mifflin Township Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specific provision for such exception made in this Resolution.

311 Custom Butchering: A facility established to slaughter livestock owned by 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.

312 Dwelling: A building, or portion thereof, designed exclusively for residential occupancy, including single family dwellings, two family dwellings, three family dwellings, multi family dwellings and vehicles or residences designed to be moved or towed on wheels, skids, or rollers, but not including hotels, motels, boarding houses or rooming houses.

1. Manufactured Home: A home built in a controlled factory environment on a permanent chassis which is designed to be used with or without a permanent foundation when connected to the required utilities. Manufactured homes are built to the federal Manufactured Home Construction Safety Standards enforced by the US Department of Housing and Urban Development (HUD). Manufactured homes are constructed in single sections and are delivered to the house site in one, two, or occasionally 3 sections; they must be placed in a manufactured home community. Also known as "Mobile Homes".

2. Modular Home: A factory built assembly of materials or products that have been designed, engineered and assembled in a controlled enclosed environment, 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 900 sq. ft. of habitable floor area exclusive of porches, or garages. Such installation includes its placement. This definition includes single



family dwellings. A single modular home shall be considered a single family dwelling. Modular homes shall be set on a permanent foundation with footers below the frost line as described in Section 3b below and taxed as real property.

3. Three Family Dwelling: A structure on a single lot of record containing 3 dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of 400 square feet of habitable floor area exclusive of porches or garages.

4. Multi Family Dwelling: A structure on a single lot of record containing more than 3 dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of 400 square feet of habitable floor area exclusive of porches or garages.

5. Single Family Dwelling: Detached, site built, or modular homes that are individual dwelling units, which accommodate one family related by blood, adoption or marriage, or up to 5 unrelated individuals living as one housekeeping unit. The type of construction of such units shall as described above, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised (Sections 303.212 and 519.212) definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

- A. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403 after January 1, 1995. It must also have a permanent label or tag attached as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- B. Be attached to a permanent frost-free foundation (slab, crawl space foundation, or full foundation)
- C. Be connected to the appropriate utilities.
- D. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
- E. Have at least 900 square feet of habitable living area.
- F. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural

materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.

G. Have had all temporary or permanent axles, trailer tongues, running lights, hitches, etc. upon placement removed upon placement on its foundation.

H. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the County Auditor upon its placement on its permanent foundation, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.

I. Meet all applicable zoning requirements specified for single family dwellings in that particular zoning district.

This definition does not include "Manufactured Home".

6. Two Family Dwelling: A structure on a single lot of record containing a maximum of 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 400 square feet of habitable floor area exclusive of porches or garages.

313 Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communications, supply, distribution or service facilities, including poles, wires, mains, drains, pipes, signals or hydrants 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.

314 Family: One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on a single internally structured relationship providing organization and stability.

315 Flood Protection Elevation: The elevation to which uses regulated by this resolution are required to be elevated or flood proofed.

316 Front Yard: A yard extending across the full width of the lot between the nearest front main building and the front lot line; the depth of the required front yard shall be measured horizontally from the nearest point of the front lot line.

317 General Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. A manufacturing facility of limited nature employing no more than twelve (12) individuals in actual manufacturing tasks. All raw materials shall be stored in totally enclosed structures. Additional, support personnel may be employed

at the same location in addition to those employed in actual manufacturing operations.

318 Home Occupation: A home occupation is a business conducted in the dwelling, or accessory structure of the owner of the residence. Any use customarily conducted entirely within a dwelling or an accessory building owned by the resident of the dwelling, 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.

319 Institution: A publicly owned and operated facility such as a public library, hospital, or prison.

320 Kennels: Any land used to house more than 3 dogs. A kennel may be an accessory use to a home occupation as long as all home occupation regulations are adhered to. Any resident who purchases a kennel license from Ashland County shall be deemed as maintaining a kennel.

321 Junk Yards: 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.

322 Local Business: An enterprise engaged in retail trade of a clearly limited nature for the convenience of surrounding residents. These may include, but are not limited to, repair shops, cleaning establishments, drug stores, beauty or barber shops, hobby shops, and businesses for the sale of food and non-alcoholic beverages for consumption either on or off the immediate premises.

323 Lot: A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required. Such lots shall have frontage on improved streets or roads and may include:

1. A single lot of record.
2. A portion of a lot of record
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or 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 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 line of the lot to its rear.
  - D. Through Lot: An interior lot having frontage on two or more

streets but not qualifying as a corner lot.

324 Lot Area: The total horizontal area within the lot lines of a piece of property.

325 Lot Coverage: The percentage of enclosed ground floor area of all buildings to total lot area.

326 Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

327 Lot Lines: The lines bounding a lot as defined herein.

328 Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

329 Main Building: A building in which is conducted the principal use of the lot on which it is located.

330 Motor Vehicle: All vehicles propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five (25) miles per hour, or less, threshing machinery, hay baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products.

331 Nonconforming Building: A building or a portion thereof lawfully existing at the time this resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use of the Regulations of the District in which it is now located.

332 Nonconforming Use: A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the Regulations of the District in which it is located.

333 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.

334 Planned Unit Development: 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.

335 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.

336 Public Uses: Public parks, schools and adjunctive administrative uses, cultural uses and service buildings devoted solely to the storage and maintenance of equipment and material.

337 Rear Yard: A yard extending across the full width of the lot between the nearest rear main building and the rear lot line.

338 Recreational Uses:

1. Commercial Recreational Facilities: Recreational facilities established for profit, such as but not limited to, camping areas, commercial golf courses, swimming pools, ice skating and race tracks.
2. Non-Commercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as but not limited to, camping areas, 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 is limited to incidental and custodial expenses.

339 Regional Flood: Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.

340 Regional Flood Plain: That land inundated by the 100-year flood (regional flood).

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

1. A comprehensive revision or modification of the zoning resolution text and map;
2. A change in the zone requirements;
3. A change in the zoning map.

342 Roadside Stands: Small structures (maximum of one hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of fifty (50) per cent of the produce shall be raised on the premises. Parking off the highway must be provided.

343 Semi-Public Uses: Churches and other places of worship, Sunday Schools, Parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

344 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.

345 Side Yard: A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest point of the main building.

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

347 Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

348 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.

349 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.

350 Zoning District: Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Mifflin Township.

#### ARTICLE IV Establishment of Zoning Districts

##### 401 Classification and Purpose of Districts

For the purposes of this Zoning Resolution the following districts are hereby established.

DISTRICT	PURPOSE
GENERAL FARM (F-1)	To protect and maintain the openness and rural character of the countryside. To provide areas for rural developments of various kinds where the Prime Farm District is not appropriate.
RESIDENTIAL (R-1)	To provide areas for low density residential development in areas that can support such development without creating any serious health threat.
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.

##### 402 Location of Districts

1. The boundaries for the districts listed in this Zoning Resolution are indicated on the Mifflin Township Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by reference.

2. Except where otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map and Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.

3. Where a district boundary divides a lot in single ownership existing at the time of enactment of this Zoning Resolution, the use authorized on, and the district requirements of, the least restrictive portion of the lot shall be construed as extending to the entire lot provided, that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

403 Zoning Map

1. The Zoning Map or any Zoning Map amendment shall be prepared by authority of the Mifflin Township Zoning Commission. The Map or amendment shall be dated with the effective date of the resolution that adopts the map or amendment.

2. A certified print of the adopted Map or Map amendment shall be maintained in the offices of the Mifflin Township Trustees, and the Mifflin Township Zoning Inspector.

ARTICLE V Use Regulations and Permitted and Conditional Uses

501 Use Regulations

1. The Permitted and Conditional Uses for each district are shown in the following tables. Uses given in the following categories shall be interpreted according to the definitions (when given) in this Zoning Resolution. Uses not specifically listed or not interpreted to be included in the categories shall not be permitted except by amendment or exception to this Zoning Resolution.

2. The following uses are permitted in the indicated district only upon the application and approval of a valid zoning permit or upon the application and approval of a valid conditional use permit.

502 General Farm District (F-1)

1. Permitted Uses

Agriculture  
Single Family Dwellings  
Non-Commercial Recreational Facilities  
Home Occupations  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public Uses

2. Conditional Uses

Two Family Dwellings  
Manufactured Dwellings  
Manufactured Dwellings Parks and Subdivisions  
Bed and Breakfast  
Nursery and Nursing Homes  
Institution  
Vacation or Seasonal Homes  
Campground  
Planned Unit Development  
Mortuaries  
Cemeteries  
Airport  
Kennel or Animal Hospitals  
Radio or Television Station or Transmission Facilities  
Commercial Recreational Facilities  
Oil and Gas Wells  
Mineral Extraction, Storage, or Processing  
Public Service Facilities

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)

4. Minimum Lot Width: One hundred (100) ft.

5. Minimum Front Yard Depth: Seventy five (75) ft.
6. Minimum Rear Yard Depth: Thirty (30) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Maximum Building Height: Thirty five (35) ft.
9. Maximum Number of Stories: Two and one-half (2.5)
10. Maximum Percent of Lot Coverage: Twenty five (25) percent

503 Residential District (R-1)

1. Permitted Uses

- Agriculture
- Single Family Dwellings
- Home Occupations
- Essential Services
- Accessory Uses
- Public Uses

2. Conditional Uses

- Two Family Dwellings
- Multi Family Dwellings
- Nursery
- Non-Commercial Recreational Facilities
- Cemeteries
- Radio or Television Station or Transmission Facility
- Semi-Public Uses

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: One hundred (100) ft.
5. Minimum Front Yard Depth: Seventy five (75) ft.
6. Minimum Rear Yard Depth: Thirty (30) ft.
7. Minimum Side Yard Setback: Fifteen (15) ft.
8. Maximum Building Height: Thirty five (35) ft.
9. Maximum Number of Stories: Two and one-half (2.5)
10. Maximum Percent of Lot Coverage: Thirty (30) percent

504 Commercial District (C)

1. Permitted Uses

- Agriculture
- Single Family Dwellings
- Two Family Dwellings
- Local Business
- Offices



Banks  
Restaurants  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public Uses  
Professional Services  
Storage facility

2. Conditional Uses

Multi-Family Dwellings  
Manufactured Dwellings  
Manufactured Dwellings Parks and Subdivisions  
Campgrounds  
Mixed Use Dwellings  
Nursery or Nursing Homes  
~~Tourist Homes~~ Add - BED + BREAKFAST  
Mortuaries  
Service Stations  
Highway Commercial Uses  
Public Service Facilities  
Commercial Butchering  
Custom Butchering  
Storage Facility

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: One hundred (100) ft.
5. Minimum Front Yard Depth: Fifth (50) ft.
6. Minimum Rear Yard Depth: Thirty (30) ft.
7. Minimum Side Yard Setback: Twenty five (25) ft.
8. Minimum Sum of Both Side Yards: Fifth (50) ft.
9. Maximum Building Height: Forty (40) ft.
10. Maximum Number of Stories: Three (3)

505 Industrial District (I)

1. Permitted Uses

Agriculture  
General Manufacturing  
Manufacture, Sale or Storage of Building Materials  
Equipment Storage, Service or Sales  
Wholesale or Warehouse Facilities  
Food Processing  
Transport and Trucking Terminals  
Grain Elevators or Feed Mills  
Research and Testing Facilities  
Offices

Laboratories  
Restaurants  
Non-Commercial Recreational Facilities  
Commercial Recreational Facilities  
Essential Services  
Accessory Uses  
Service Stations  
Professional Services

2. Conditional Uses

Airport  
Mineral Extraction, Processing, and Storage  
Junk Storage, or Sales  
Radio or Television Stations or Transmission Facilities

3. Minimum Lot Size: One (1) acre (43,560 sq. ft.)
4. Minimum Lot Width: Two hundred and fifty (250) ft.
5. Minimum Front Yard Depth: One hundred (100) ft.
6. Minimum Rear Yard Depth: Fifty (50) ft.
7. Minimum Side Yard Setback: Fifty (50) ft.
8. Minimum Sum of Both Side Yards: One Hundred and fifty (150) ft.
9. Maximum Building Height: Forty (40) ft.
10. Maximum Number of Stories: Three (3)

ARTICLE VI Supplemental Regulations

601 Keeping of Animals, Fowl, or Bees

1. Not more than two (2) of the following: Cow, Horse, Goat, Sheep, or Swine shall be raised or kept on lots of less than one (1) acres.

2. Chickens, Fowl, or Rabbits shall not be kept on lots of less than twenty thousand (20,000) square feet. and shall be caged in such a way so that neighbors shall not be disturbed. The total number of such animals, or any combination of them, shall not exceed one (1) per five hundred (500) square feet. The number of young animals (aged six (6) months or less) or offspring of adult animals allowed on the property at any time shall not exceed three (3) times the number normally permitted on the property based on lot size.

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 of lot area shall be required for each additional colony. Bee colonies shall not be located within one hundred (100) feet of a property line or within fifty (50) feet of a dwelling.

4. All health and sanitation requirements of the State of Ohio or County shall be followed.

5. All animals, fowl or bees shall be properly housed or caged and all food

supplies shall be kept in rodent-proof containers.

#### 602 Public Nuisances and Hazards

1. 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

obnoxious or hazardous substances shall be stored, transported or used and disposed of in such a way so as to not be a hazard to adjoining property owners and uses. Adequate precautions shall be taken to insure the safety of adjoining property owners.

2. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

3. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

4. Noise shall be so controlled so that any sound above normal background levels shall be imperceptible at the property line of adjacent parcels, or at the edge of the road right-of-way. Occasional, non-regular bursts of noise exceeding normal background levels may be permitted if the outbursts do not create a nuisance or hazard. If such outburst or other noise is objectionable as determined by the Board of Zoning Appeals, such noise shall be muffled or otherwise controlled. Sirens and other related apparatus used solely for public purposes are exempt from this regulation.

5. No vibration shall be permitted which is discernible without instruments on any adjoining parcel.

6. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

7. No direct or reflected glare shall be permitted which is visible from any property outside an Industrial District or from any street.

8. No erosion, either by wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

9. No pollution of any stream, reservoir, aquifer, or other body of water within or surrounding Mifflin Township shall be permitted which would create a serious health threat to the health, safety, or welfare of residents of the Township.

10. The Zoning Inspector, or Board of Zoning Appeals, prior to approving a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Zoning Inspector shall investigate all nuisance violations or complaints and present his findings to the Zoning Commission for determination of any action to be taken.

11. Methods and procedures for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures or the assistance of reputable consultants, government organizations, or other sources may be utilized.

#### 603 Manufactured Dwellings Subdivisions

1. Manufactured dwellings subdivisions are permitted in those districts specified in Article V of this Zoning Resolution. All manufactured dwellings 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 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 dwellings subdivisions shall meet current state or local regulations governing their placement and occupancy.

2. Standards for manufactured dwellings subdivisions

A. Size of site: Minimum of ten acres.

B. Density: Maximum of four (4) manufactured dwelling 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 three hundred (300) 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: Shall be provided into the park or subdivision with a minimum right of way sixty (60) feet in width with a minimum of thirty feet to be a paved roadway.

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 of sixty (60) feet and a pavement width of thirty (30) feet.

I. Walkways: Shall be provided with a minimum width of three (3) feet and shall be paved.

J. Recreation and Open space: A maximum of seven (7%) per cent 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 Subdivision Regulations for Ashland County.

B. Setbacks: Required side yards shall be the same normally required for the district in which the park 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 and paved.

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. Foundations: All manufactured dwelling shall be placed on foundations with footers located below the frost line and mounted on solid walls running the circumference of the dwelling.

G. Lot Numbering: Each manufactured dwelling space or lot shall be numbered for identification purposes.

H. Tie-Downs: Each manufactured dwelling 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 dwelling size standards will comply with the minimum

living space standards contained in Article IV of this Zoning Resolution.

4. All manufactured dwellings shall be taxed as real property.

#### 604 Campgrounds

1. Campgrounds shall comply with all applicable State of Ohio and local Health Department and Subdivision Regulation requirements relative to the location, layout, construction, drainage, sanitation, safety, and operation.

2. Construction activities, other than stakes used to layout right-of-ways or lots and work related to surveying the parcel, is prohibited prior to the issuance of a permit from the State Department of Health and the approval of the final plat by the Ashland Regional Planning Commission.

#### 605 Temporary Structures

1. Temporary Structures may be permitted during the construction or reconstruction of a residence for a maximum period of eighteen (18) months.

2. The structure may be occupied by the owners of the dwelling under construction or reconstruction, or by the workers constructing or reconstructing the dwelling. The temporary structure may also be used to store materials and supplies to be used in the construction or reconstruction of the dwelling.

3. The Zoning Inspector shall inspect the temporary structure at six (6) month intervals to make sure that it complies with local regulations.

#### 606 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.

#### 607 Junk

Junk such as abandoned vehicles or parts thereof, 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 right-of-way.

#### 608 Mineral Extraction, Storage and Processing

1. Mineral extraction and related activities shall occur where permitted by these regulations and only after a valid Zoning Certificate has been obtained.

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 Inspector.

4. Operators of all mineral extraction facilities shall comply totally with Section 1514 and other relevant sections of the Ohio Revised Code and all related, applicable regulations and requirements of the Ohio Department of Natural Resources, Division of Reclamation.

5. These Regulations do not apply to oil or gas wells.

#### 609 Accessory Buildings

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

2. Accessory buildings shall be no closer than ten (10) feet of any property line.

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

#### 610 Yard Requirements

1. Interior lots having frontage on two streets shall only be required to provide the required front yard on one street.

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.

3. In situations where forty (40%) percent 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 from the right-of-way than the average distance as established by existing buildings.

#### 611 Home Occupations

1. Home Occupations shall occur only in the owners dwelling or in no more than one accessory building owned by the owner of the dwelling.

2. The Home Occupation shall be a use clearly incidental to the use of the dwelling as a residence.

3. Not more than two (2) non-residents of the dwelling may be employed by the Home Occupation.

4. Accessory structures used in whole or in part for a Home Occupation shall not exceed one thousand (1000) square feet.

5. All materials, supplies, equipment and any related items used in conjunction with a Home Occupation shall be stored at all times in an enclosed structure secure from the weather so as to prevent them from becoming a nuisance or hazard to surrounding property owners.

6. 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.

#### 612 Correction Period

All Zoning violations shall be corrected within thirty (30) days, or a stipulated period established by the Mifflin Township Zoning Commission 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.

#### 613 Planned Unit Developments

1. All planned unit developments shall be subjected 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 this Zoning Resolution.

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 dimensions, 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 streets 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.

#### 614 Flood Hazard Areas

- 1. Structures and land uses located in the Regional Flood Plain shall be subject to the following requirements.
- 2. Construction of any permanent structure in a Flood Hazard Area is prohibited by this resolution.
- 3. The Zoning Classification of the property shall apply to areas in the flood plain.
- 4. Only those uses listed for that Zoning District shall occur in Flood Hazard Area.
- 5. Permitted Uses:
  - A. General Farm District: Agriculture Uses, all (except Residences and related permanent structures) Residential Uses, lawns, gardens and recreational areas.
  - B. Residential District: Agriculture Uses, all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas.
  - C. Rural Center District: Agriculture uses, all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas, Commercial uses such as loading, parking or storage areas for items not subject to flood damage or easily moved
  - D. Commercial District: Agriculture uses, all (except Residences and related permanent structures) Residential uses, lawns, gardens and recreational areas, Commercial uses such as loading, parking or storage areas for items not subject to flood damage or easily moved.
  - E. Industrial District: Agriculture uses, all; Commercial uses such as loading, parking or storage areas; Industrial uses, parking or loading areas, storage areas for items not subject to flood damage or easily moved.
- 6. Utility facilities such as dams, power plants, flowage areas, transmission lines, pipelines, water monitoring devices or dikes or earthen structures are also permitted.
- 7. Temporary structures located in the regional flood plain shall not be used for human habitation.
- 8. Hazardous or toxic substances shall not be stored in flood prone areas.

#### 615 Signs

- 1. All signs located in Mifflin 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 six (6) square feet per side.
  - B. Signs advertising Home Occupations of not more than six (6) square feet per side.
  - C. Signs listing the name and address of occupants of a structure not

exceeding four (4) square feet per side.

D. Signs or bulletin boards related to places of worship, public buildings or social clubs or societies not exceeding twenty four (24) square feet.

E. Entrance, exit or directional signs.

F. Temporary signs advertising special events or the construction of buildings 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 advertising roadside stands not exceeding six (6) square feet.

3. Zoning Certificates shall be required for the following types of signs:

A. Outdoor advertising signs not located on the premises of the establishment advertised.

B. 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 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.

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 or are a nuisance to neighboring property owners.

C. Signs that resemble devices erected under governmental authority.

D. Signs located in dedicated rights-of-way.

E. Signs deemed to be unsafe or a public hazard.

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

#### 616 Nonconforming Buildings and Uses

1. Any legal use of a structure or land lawfully existing at the effective date of this Zoning Resolution may be continued, even though such use does not conform to the provisions of this Zoning Resolution. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No nonconforming structure shall be altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Resolution as hereinafter provided.

2. Whenever the lawful use of a structure or land becomes nonconforming through a change in the Zoning Resolution or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.



3. A nonconforming lawful use which has been damaged by fire, explosion, act of God or the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two (2) years of the date of such damage, provided that the new building, use, or structure shall not contain more than the original space of the replaced building, use or structure and shall conform to all building regulations of Ashland County and the State of Ohio.

4. If a nonconforming use is abandoned for two (2) years such use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Resolution.

#### 617 Conditional Uses

1. Under special conditions, land uses other than those specifically permitted by this Zoning Resolution may occur in a District. A list of these uses is located in Article V of this Zoning Resolution. A special permit must be obtained from the Board of Zoning Appeals before the development of any land use identified in this resolution as a "Conditional Use".

2. All proposed "Conditional Uses" are subject to the following general standards:

- A. The uses will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Township's Zoning Resolution.
- B. All structures and uses will be designated, constructed, operated and maintained so as to be harmonious, safe and appropriate in appearance and use with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- D. The proposed use will be served adequately by essential public services (fire, police, highways, sewers, water, schools) or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. That the proposed use will not create excessive additional public costs or responsibilities for services or facilities and will not be detrimental to the community.
- F. The proposed uses will not involve activities, processes, materials or equipment detrimental to persons, property or the general welfare of the community because of excessive noise, smoke, odors, traffic, glare or fumes.
- G. Adequate access to the use shall be provided that does not interfere with surrounding uses or disrupt current traffic patterns.
- H. the proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

3. When making its review of the proposed use the Board of Zoning Appeals shall review the proposal on the basis of the above factors and any other criteria deemed pertinent by them. Such review shall follow the requirements established in Article VIII of this Zoning Resolution.

#### 618 Motor Vehicles

1. No more than two unlicensed non-agricultural motor vehicles shall be parked outside of an enclosed structure on any lot at any time in Mifflin

Township.

2. All additional unlicensed motor vehicles shall be kept in a totally enclosed structure with walls and secure doors suitable for controlling access to the structure.

#### ARTICLE VII Zoning Commission

##### 701 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.

##### 702 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 in January and July of each year or at the call of the Chairman or at such other 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.

##### 703 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 lessees 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 lessees 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 news papers 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:
  - a. The time, date and place of the public hearing.
  - b. The name of the Zoning Commission that will be conducting the public hearing.
  - c. A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.

d. 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.

e. The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.

f. 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.

g. 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.

h. Any other information requested by the Zoning Commission.

i. 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 a, b, c, f, g, h, and i 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 6.B.a. through 6.B.g. 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 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.

#### ARTICLE VIII Board of Zoning Appeals

##### 801 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 Article VII. 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.

##### 802 Rules of the Board

1. The Board shall by majority vote of its members at its January meeting each year 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.

##### 803 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 Zoning 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.

804 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 and contiguous to and directly across the street from such area 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.

ARTICLE IX Administration

901 Zoning Inspector

1. 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:

- A. Enforce the provisions of this Resolution.
- B. Issue permits as provided in this Resolution, and keep record of all permits issued or refused with a notation of any special conditions involved.
- C. File and safely keep copies of all plans submitted, and the same shall form a part of the records in his or her office.
- D. Maintain a certified copy of the text of this Resolution and of the Zoning Map.
- E. Keep records of all violations and/or complaints.
- F. Make such records available for the use of the Board of Township

Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.

G. Submit all zoning fees collected to the Township Clerk within thirty (30) days.

#### 902 Zoning Certificates

1. Requirements: A Zoning Certificate shall be required whenever an individual locates, erects, constructs, reconstructs, enlarges or structurally alters a non-farm building or structure within the Township to the extent that the change or addition involves the creation of a space a minimum of one hundred and fifty (150) square feet in area and having a roof and side walls creating an enclosed space that protects the contents from the weather and unauthorized access. 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.

#### 903 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,

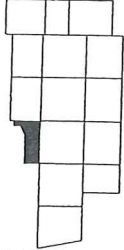


enlargement, change, maintenance or use of continues may be deemed a separate offense. □

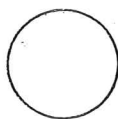
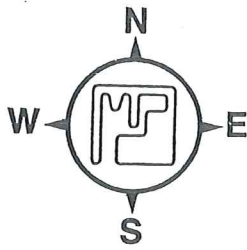
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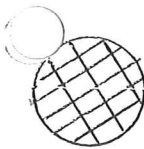
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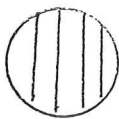
ASHLAND COUNTY



GENERAL FARM



COMMERCIAL

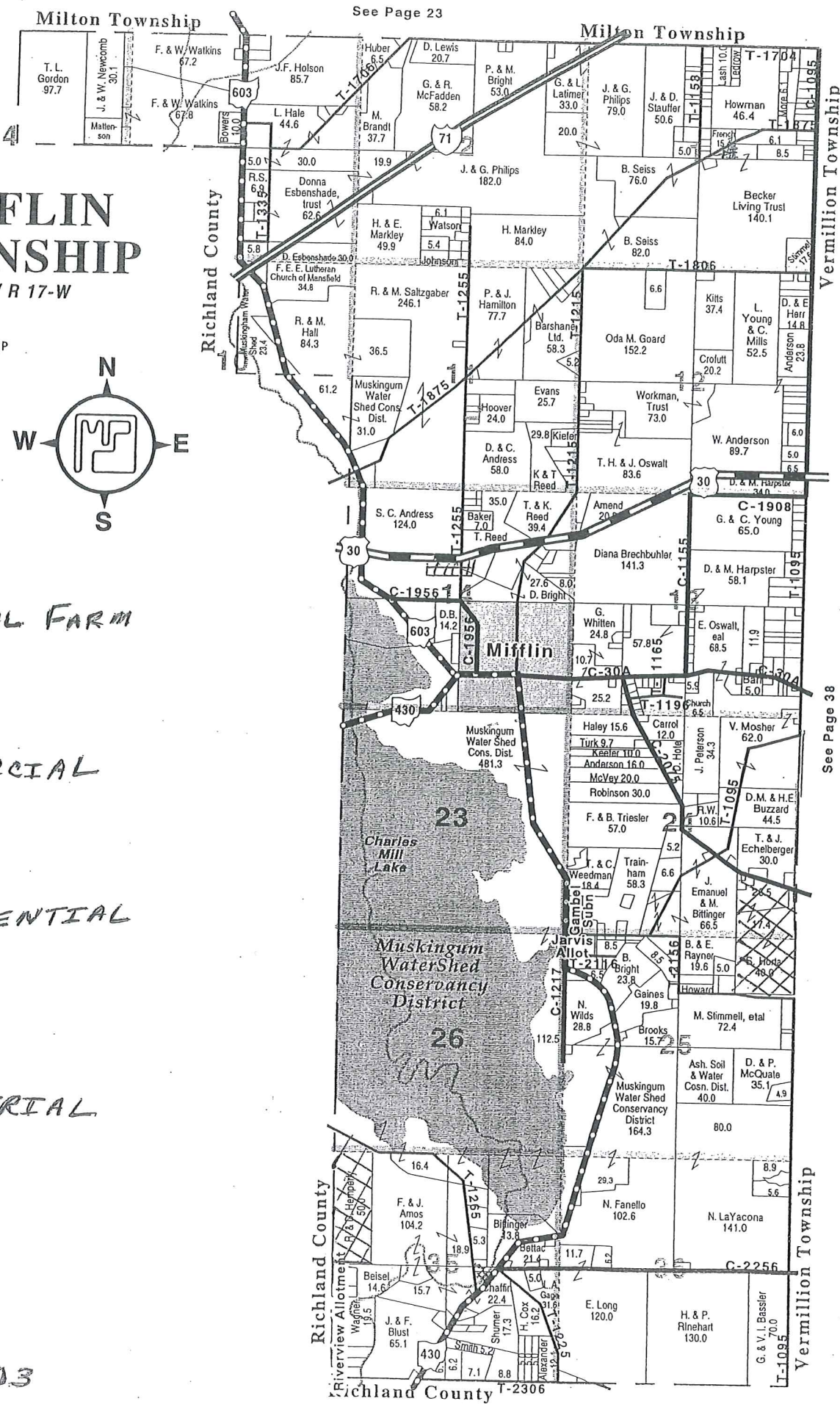


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ADOPTED 2003



Vermillion Township

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Vermillion Township