Zoning Regulations

of

Vermillion Township

ASHLAND COUNTY, OHIO

Adopted July 26, 1956
ZONING RESOLUTION
of
VERMILLION TOWNSHIP
ASHLAND COUNTY, OHIO

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A resolution providing for the zoning the entire area of Vermillion Township, by regulating the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purpose dividing the entire area of the township into zones, or districts of such number, sizes and shape as are deemed, best suited to carry out said purposes providing a method of administration and prescribing penalties and proceedings for the administration and enforcement of this resolution.

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ZONING INSPECTOR
Mervin Oyer
I. PURPOSE

WHEREAS, the Board of Trustees of Vermillion Township deem it necessary to the promotion of public health, safety, morals, comfort and general welfare of what is known as Vermillion 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; the following districts are hereby created and the following regulations are hereby established to accomplish that purpose and shall thereafter apply.

II. DISTRICTS CREATED

For the purpose of this ordinance, the Township of Vermillion is divided into the following three (3) classes of districts:

- Residential Districts  Code R
- Agricultural Districts  " A
- Business Districts  " B

The boundaries of these districts and classes of districts are hereby established on a map entitled "Zoning Map for Vermillion Township" which map accompanies and is hereby declared to be a part of this ordinance.

Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, the depth of residential and business frontage is established, for the purpose of this ordinance, at a minimum of one hundred and fifty (150) feet and must contain at least one Acre, unless sanitary regulations on a smaller plat are approved by the County Health Board.

Where a district boundary line divides a lot in a single ownership existing at the time of the enactment of this ordinance, the use authorized on, and the district requirements of, the least restricted portion of such 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.

III. DEFINITIONS

For the purpose of interpreting this ordinance, the following definitions shall be controlling:

ACCESSORY BUILDING—A subordinate building the use of which is customarily incidental to that of the main building, and which is located on the same lot or parcel of land.

ACCESSORY USE—A use, not otherwise contrary to law, customarily incidental to the use of a building for dwelling purposes and including:

1. The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher, real estate agent or other professional person residing on the premises.
2. Workshops not conducted for profit.
3. Customary home occupations such as millinery, dressmaking and hair-dressing, conducted by a person residing on the premises. An accessory use may be conducted in the main building or in an accessory building, but in the latter case shall not occupy a floor area greater than one-half (½) the area of the first floor of the main building. There shall be no commercial display visible from the street, or advertising, except a small professional name plate or announcement sign. There shall be no more than two (2) paid employees or assistants.

ALLEY—A public thoroughfare having a right-of-way of twenty feet (20') or less regardless of how named.

ALTERATION OF BUILDING—Any change in supporting members of a building except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.

CENTER LINE OF STREET—A line midway between and parallel to the two (2) street or property lines.

CORNER LOT—A lot fronting on two (2) streets at their intersection.
FRONT YARD—The space between the building line or front main wall of a building and front property line.

LOT—A parcel of land occupied by, or which may be occupied by, a building and accessory building and including the yards and other open spaces required by this ordinance, or the land shown as a separate lot or parcel on the records of Ashland County.

SIDE YARD—An open unobstructed space on the same lot with a building between the building and the side line of the lot and extending through from the front to the rear yard, into which there is no extension of building parts other than eaves with an overhang of not more than three (3) feet, rain water leaders, window sills and other such fixtures; open stoops; and bay windows, not more than twelve (12') feet wide, at one (1) floor level only, and for a distance not to exceed two (2') feet.

STREET—A thoroughfare publicly owned, open to general public use and having a right-of-way width of twenty-one (21') feet or more.

STREET or ROAD LINE—A street or road line is the right-of-way or established property line of a street or road as indicated by dedication or by deed of record.

JUNK YARD—(a) Any concentration of three or more used motor vehicles not displaying a current motor vehicle license.
(b) Any second hand material yards, and automobile assembly plants, scrap iron, wrecked cars, wrecked machinery, paper, rags or junk.

TERMS—The present tense shall include the “future”; the singular number shall include the “plural,” and the plural the “singular.” The word “shall” is always mandatory.

HOUSING PROJECTS—Any housing projects to be built in Vermilion Township which consists of two (2) or more houses of the same general design on adjoining lots, said plans and specifications must be submitted to a board appointed by the Board of Trustees of Vermilion Township for approval.

IV. AGRICULTURAL DISTRICTS

Nothing in the following provisions, or in the entire ordinance, shall prevent the use of any land for agricultural purposes, or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such building or structures are located. No zoning certificate shall be required for any such building or structure. For the purpose of this ordinance, “agricultural” shall include agriculture, farming, dairying, pastureage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

In “Agricultural Districts,” all parcels of land less than five (5) acres in area, and having more than seventy (70%) percent of their area used for purposes other than agricultural, and all lots less than one and one-half (11/2) acres shall be classed as residential and subject to the following provisions:

PERMITTED BUILDINGS, STRUCTURES AND USES:

In Agricultural districts, only the following buildings, structures and uses shall be permitted.

1. Agricultural dwelling, barns, and their accessory uses and buildings.

2. The growing and selling, either retail or wholesale, of all types of agricultural produce, livestock, and appurtenant products produced on the premises and resulting from agricultural, farming, dairying, pastureage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

3. A church, public library, public or private school or other religious, charitable, or educational institution, and a public park or playground.

4. Other special structures and uses as specifically provided by Section VII, paragraph A.

V. RESIDENTIAL DISTRICTS

A. PERMITTED BUILDINGS, STRUCTURES AND USES:

In Residential Districts, only the following buildings, structures, and uses shall be permitted.

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents and cabins, except that any structure or not more than one trailer coach may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such
excluded use shall not be continued for more than one (1) year, and a permit for such use must be secured from the Township Zoning Inspector.

2. Other special structures and uses as specifically provided by Section VII, paragraph A.

3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playground.

4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this resolution.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, flames, flame or vibration.

B. YARD, AREA AND HEIGHT PROVISIONS:

Front Yards—No building exclusive of open porches, steps and overhanging eaves and cornices, shall extend nearer to the front street property line than the mean distance of setback of the nearest building or buildings, other than accessory buildings within one hundred-fifty (150') feet on each side of said building and fronting on the same side of the street. In no instance shall a building be placed nearer to a front street property line than thirty (30') feet nor required by the above to be placed more than twenty-five (25') feet back of the front of an existing building. Where no building or buildings exist as described above, the building setback at the front shall be not less than fifty (50') feet from the street or property line, or seventy-five (75') feet from the street or road center line, whichever may be greater. In the case of a corner lot, either street line may be taken as the front line and any building other than a detached garage or other outbuilding may be placed to within fifty (50') feet of the side street line.

Side Yards—There shall be two (2) side yards with a total width of not less than thirty (30') feet.

Side yard set-back for all buildings on corner lots shall be as near as possible in conformity to the frontage setback of buildings facing such side street.

Minimum Floor Area—No dwelling shall have a usable ground floor area which totals less than six hundred and fifty (650) square feet exclusive of open or screened porches. (This is equivalent to a 25' x 26' building.)

C. PRIVATE GARAGES AND OTHER OUTBUILDINGS

No garage or other outbuilding shall be placed nearer to a side or rear property line than five (5') feet. No detached garage or other outbuilding shall be placed nearer to a front building setback line than fifty (50') feet or nearer to a side street line than a distance equal to half the width of the lot up to a distance that need not exceed fifty (50') feet. The above, however, shall not prevent the construction of a garage as a structural part of a dwelling and a garage so constructed may extend into an interior side yard required under this ordinance for a distance not to exceed four (4') feet.

VI. BUSINESS DISTRICTS

A. In the "Business Districts" only the following buildings, structures, and uses shall be permitted.

1. All outbuildings, structures, and uses permitted in Residence Districts.

2. Stores, shops, and business offices, restaurants, hotels and theaters; garages and gas stations, subject to the regulation of Ohio State Laws and as permitted by Law in all other respects; and all other buildings, structures, and uses except the following which are specifically prohibited.

(a) Any process of manufacture, assembly or treatment which normally constitutes a nuisance by reason of odor, noise, vibration, dust or smoke, or which constitutes a fire hazard.

(b) Junk-yards, second hand material yards, and automobile disassembly plants.

(c) The storage of explosives, and the storage of crude oil or any of its volatile products, or other highly inflammable liquids in above-ground tanks.
B. SEMI-FIREFROOF CONSTRUCTION

All buildings constructed or erected in a "Business District" shall comply with all regulations of Bulletin No. 109, Ohio State Building Code, Division of Factory and Building Inspection, Department of Industrial Relations, entitled: "Workshop, Factories, Mercantile and Office Buildings," and other regulations applying to the type of building to be constructed, except when the structure is to be used for residential purposes only, and it shall then conform to the front, side-yard requirements of Residence Districts.

C. YARD AREA PROVISIONS

For structures to be used solely for dwelling purposes, the front yard, side-yard, area and frontage shall be the same as those for Residence Districts.

VII. EXCEPTION AND SPECIAL PROVISIONS

A. SPECIAL USES PERMITTED

The Board of Appeals as hereinafter created may authorize the issuance of a permit for any of the following buildings or uses in any agricultural or residence districts:

1. A Nursing Home or Hospital for other than contagious or mental diseases.

2. A clubhouse without features likely to occasion a nuisance in a residential neighborhood by reason of noise or other objectionable characteristics.

3. A public or quasi-public building or private athletic field. Such special permits, however, may be authorized by the Board of Appeals only upon satisfaction in each instance of such conditions as general character, height and use of structures, the provisions of surrounding open spaces and treatment of the grounds, as to street capacity and use, as in the opinion of the Board of Appeals may be necessary to
safeguard public health, comfort and convenience, and as may be required for the preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

B. SIGNS AND BILLBOARDS

In a residence district, no stationary signs, or billboards shall be permitted except: Customary professional signs, and rooming and boarding house signs, not larger than two (2) square feet; tourist home signs not larger than four (4) square feet; real estate signs not larger than eight (8) square feet, when placed on properties offered for sale; signs appropriate to a public or quasi-public building; signs identifying a building or use permitted under this ordinance and signs incident to legal process and necessary to the public welfare.

C. CONTINUANCE OF NON-CONFORMING USES

Uses, not conforming to the regulations of the District in which they are located, at the time of enactment of this ordinance, shall be known and regarded as "non-conforming."

A non-conforming building or use may be continued subsequent to adoption of this ordinance provided there shall thereafter be no structural extension of or addition to such non-conforming building or use exceeding: (1) twenty-five (25%) percent of the cubical content of the building or buildings as existing at the time of enactment of this ordinance, or (2) twenty-five (25%) percent of the existing service capacity if the use is conducted all or partly in the open. Subsequent to such allowable addition to building or expansion of use, there shall be no further additions or expansions except in accordance with the regulations for the district in which such non-conforming building or use is located.

Junk yards, automobile disassembly plants now operating in a residential area will be required to operate entirely within a solid enclosure.

A non-conforming use may not be changed to another non-conforming use disallowed by this ordinance in a district in which the original non-conforming use would be permitted.

D. REVERSION OF NON-CONFORMING BUILDING AND LAND USES

A non-conforming building and land or use may not be altered, rebuilt or resumed, except in conformity with the regulations, for the dis-
strict in which it is located if: (1) It has once been changed to a conforming use; (2) Subsequent to the enactment of this ordinance it has voluntarily been discontinued for a consecutive period of two (2) years or more, which shall be deemed an abandonment of the non-conforming use; and (3) If it has been destroyed by fire, explosion or other cause, to the extent of seventy-five (75%) percent or more of either its value or its bulk. However, if a non-conforming building or use is destroyed by fire, explosion or other cause to the extent of less than seventy-five (75%) percent of either its value or its bulk, it may be rebuilt and reoccupied as a non-conforming building or use only if reconstructed with the same cubical content and upon the same plan as that of the original structure.

The provisions in the paragraph shall not apply in respect to a non-conformity in side and rear yards.

E. TEMPORARY PERMITS

Temporary permits may be authorized by the Board of Appeals for a period not to exceed one (1) year, for non-conforming uses incidental to housing and construction projects and including such structures and uses as a storage of building supplies and machinery, and a real estate office located on the tract being offered for sale; provided such permits are issued only upon agreement by the owner to remove the structure or structures upon expiration of permit. Such owners to remove the structure or structures upon expiration of permit. Such permits are annually renewable over a period of not to exceed three (3) years.

VIII. ADMINISTRATION

A. INTERPRETATION

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort and general welfare.

B. ENFORCEMENT

The provisions of this ordinance shall be enforced by the Township Zoning Inspector, who shall be appointed by the Board of Trustees, of Vermillion Township. It shall be the duty of the Township Zoning Inspector to keep a record of all permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the use of the Board of Township Trustees and other officials of Vermillion Township.

C. ZONING PERMITS

Zoning permits shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection, or alteration of any building, costing or valued at fifty ($50.00) dollars or more; except as otherwise stated in Section IV of this ordinance; and prior to the construction or erection of any stationary sign or billboard. All requests for Zoning permits 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 in its exact relation to lot and street line as well as satisfactory evidence that the line or lines of the bounding street or streets has or have been accurately located on the ground.

D. AMENDMENTS AS PROVIDED BY LAW

E. PUBLIC NOTICE AND HEARING

Due public notice and hearing as required by this ordinance shall be given unless otherwise specifically mentioned, by notice to be published at least once in one or more newspapers in general circulation in Vermillion Township, at least thirty days before the date of such hearing. The notice shall state the place or places and times at which the text and maps of the Zoning Resolution may be examined. Costs incurred for hearing and publication of amendments and appeals shall be at such rate as the Township Trustees shall from time to time determine.

F. BOARD OF APPEALS

There is hereby created, to be appointed by the Board of Township Trustees, a Board of Appeals of five members who shall be residents of Vermillion Township. Of the five members one (1) shall serve until the first Monday of the second January following the adoption of the Zoning Ordinance; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January; and one (1) until the first Monday of the fifth January thereafter; and one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed, on the expiration of their respective terms, to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause and after public hearing, vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
Meetings of the Board of Appeals shall be at the call of the Chairman and at such times as the Board of Appeals may determine. Such chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, show the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Board of Trustees of Vermillion Township and shall be a public record.

The Board of Appeals Shall Have the Following Powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Township Zoning Inspector in the enforcement of the provisions of this ordinance.

2. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, and which will not substantially affect the comprehensive plan of Zoning Vermillion Township provided further, that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out, the general purpose of the plan, so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision, or determination as ought to be made, and to that end, shall have all the powers of the Township Zoning Inspector.

An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township affected by a decision of the Township Zoning Inspector; such appeal shall be taken within twenty (20) days from the date of decision or determination, appealed from, by filing with the Township Zoning Inspector, and with the Board of Appeals a notice of appeal specifying the ground thereof, the names of all owners and residents within six hundred (600') feet of the property the subject of appeal. The Township Zoning Inspector shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Township Zoning Inspector certifies to the Board of Appeals, after the Notice of Appeal shall have been filed with him, that by reason of facts, stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of Record or Application, on notice to the Township Zoning Inspector and on due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of an appeal, giving public notice thereof as well as due notice at least ten (10) days prior to the hearing, by registered mail, to the parties in interest at the address filed with the appeal, and decide the same within a reasonable time, after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any person or persons, jointly or severally, adversely affected by any decision of the Board of Appeals, may appeal to the Court of Common Pleas of Ashland County on the grounds that such decision was unreasonable or unlawful ... Such appeal must be presented to the Court within thirty (30) days after filing of the decision in the office of the Board of Appeals.

G. VIOLATIONS AND PENALTIES AS PROVIDED BY LAW

H. ACTIONS PREVENTING VIOLATION

In case any building is or is proposed to be located, erected, constructed, re-constructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of this ordinance, the Board of Township Trustees, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to the other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, re-construction, enlargement, change, maintenance or use.

I. VALIDITY

If any part of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of ordinance.
The Vermillion Board of Township Trustees hereby declare that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the sections, sub-sections, clauses or phrases may be declared unconstitutional or invalid.

J. EFFECT ON OTHER ORDINANCES AND DATE WHEN APPLICABLE

No provision in this ordinance shall be interpreted as superseding any greater restriction or regulation contained in any other ordinance of Vermillion Township, or any deed or plat restriction.

This ordinance shall take effect immediately upon approval of the electors as provided by Ohio Revised K 2519-11.