

ARTICLE 5

ADMINISTRATION.

Section 500

OFFICE OF ZONING INSPECTOR CREATED.

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio Revised Code.

Section 501

DUTIES OF ZONING INSPECTOR.

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

- 1) Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- 2) Initiate discontinuance of uses of land, buildings, or structures, not in conformance with this resolution;
- 3) Initiate removal of building or structures or illegal additions or structural alterations not in conformance with this resolution;
- 4) Order discontinuance of any work being done which is not in conformance with this resolution;
- 5) Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
- 6) Refer to Section 519.24 of Ohio Revised Code.

Section 509

ZONING COMMISSION CREATED.

The Zoning Commission is hereby created, which shall consist of five (5) members and/or two (2) alternates to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointment shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member and/or two (2) alternates shall be a resident of the unincorporated Township. Members and/or alternates of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member and/or (2) alternates affected.

Section 510

PROCEEDINGS OF ZONING COMMISSION.

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 511

DUTIES OF ZONING COMMISSION.

For the purpose of this resolution the Commission shall have the following duties:

- 1) Initiate proposed amendments to this resolution;
- 2) Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6.

Section 520

BOARD OF ZONING APPEALS CREATED.

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members and/or (2) alternates to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointment shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member and/or (2) alternates shall be a resident of the unincorporated Township. Members and/or (2) alternates of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member and/or (2) alternates affected.

Section 521

PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held 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 compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522

DUTIES OF THE BOARD OF ZONING APPEALS.

Refer to Ohio Revised Code Section 519.14.

Section 530

DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEALS.

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 360 of this resolution. Nothing in this resolution shall be interpreted to prevent any person or officials of the Township from appealing a decision of the Board to the courts as provided in Chapters 2502 and 2506 of the Ohio Revised Code. Any person adversely affected by a decision of the Board may appeal to the Court of Common Pleas of this County on the grounds that such decision was unreasonable or unlawful. Any such appeal shall be made within ten (10) days of the Board's written decision.

Section 540

PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedure and requirements of Sections 541-549, inclusive, of this resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals

and variances.

Section 541

APPEALS.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 542

STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceeding shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 543

VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this resolution as will not be contrary to the public interest where, owing to specific conditions, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

Section 544

APPLICATION AND STANDARDS FOR VARIANCES.

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- 1) Name, address, and phone number of applicants;
- 2) Legal description of property;
- 3) Description of nature of variance requested;
- 4) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b) That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
 - c) That special conditions and circumstances do not result from the actions of the applicant;
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

Section 545

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

Section 546

PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 547

NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before holding the public hearing required in Section 546, notice of such hearing shall be given in one or more newspapers of general circulation of the Township at least ten (10) days before the date of said hearing, and the nature of the proposed appeal or variance.

Section 548

NOTICE TO PARTIES IN INTEREST.

Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

Section 549

ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560

PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.

Conditional uses shall conform to the procedures and requirements of Sections 561-568, inclusive of this resolution.

Section 561

GENERAL.

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional use possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 562-568, inclusive.

Section 562

CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- 1) Name, address, and phone number of applicant, owner or lessee;
- 2) Legal description of property;
- 3) Description of existing use;
- 4) Zoning district;
- 5) Description of proposed conditional use;
- 6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution;
- 7) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
- 8) Such other information as may be required in Section 564.

Section 563

GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses as specified in Section 564, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 1) Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Conditional Use Schedule of District Regulations adopted by Section 910 for the zoning district involved;
- 2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or the zoning resolution;
- 3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 4) Will not be hazardous or disturbing to existing neighboring uses;
- 5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic,

noise, smoke, fumes, glare or odors;

- 8) Will have vehicular approaches to the property which shall be so designed as not to create an Interference with traffic on surrounding public thoroughfares;
- 9) Will not result in the destruction, loss, or damage of a natural, or scenic, or historic feature of major importance.

Section 564

SPECIFIC CRITERIA FOR CONDITIONAL USES.

Following is a list of specific requirements for conditionally permitted uses as specified in the Official Conditional Use Schedule of District Regulations:

- 1) All structures and activity areas should be located at least one hundred (100) feet from all property lines;
- 2) Loud speakers which cause a hazard or annoyance shall not be permitted;
- 3) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an existing street or road;
- 4) There shall be no more than one (1) sign oriented to each abutting street identifying the activity;
- 5) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
- 6) Structures should have primary access to a street or road;
- 7) Such developments should have primary access to arterial thoroughfares or be located at intersections of a street or road;
- 8) Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses;
- 9) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area;
- 10) Such uses should be properly landscaped to be harmonious with surrounding residential uses;
- 11) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities;
- 12) All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
- 13) The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties;
- 14) Such uses should be located on a minor arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses;
- 15) Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
- 16) Such developments should be located on or immediately adjacent to state highways;

- 17) Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any right-of-way or structure used for human occupancy in any other district;
- 18) There shall be filed with the Zoning Inspector a location map which clearly shows areas to be used and the location of adjacent properties, roads, and natural features;
- 19) Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water & O.D.N.R.;
- 20) All work conducted in connection with such operations shall be done between the hours of daylight and dusk;
- 21) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer or Township Trustees;
- 22) There shall be filed with the Board a detailed plan for the restoration of the area to be used which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees and shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated;
- 23) All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
 - a) that the excavated area shall not collect and permit to remain therein stagnant water, or,
 - b) that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded;
- 24) There shall be filed with the Board of Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of required bond shall be fixed by resolution of the Board of Township Trustees. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan;
- 25) **Small Wind Energy System:** Applicants requesting a conditional use permit for a Small Wind Energy System and any attached appurtenances shall furnish such scale drawings and information as the Township Board of Zoning Appeals deems necessary, including the following:
 - a) A plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjoining lot and the location of proposed tower and guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots and;
 - b) A wind tower for a small wind energy system shall be set back a distance equal to 1.1 times its total height from all property lines. No part of the system, including guy wire anchors, may extend closer than 25 feet to the property boundary. Total height shall not exceed 150 feet. Total height means the

vertical distance from finished grade ground level to the tip of a wind generator blade when the tip is at its highest point.

- c) Any blade arcs created by said tower's appurtenances shall be a minimum of thirty (30) feet above the finished grade ground level.
 - d) All power lines leading from the tower to any structure shall be buried underground.
 - e) The tower shall be guarded against unauthorized climbing. The first fifteen (15) feet of the tower shall not be climbable by design or the tower must be enclosed by a non-climbable eight (8) foot high fence.
 - f) No part of any tower or support(s), or any equipment or lines used in connection therewith or connected thereto, shall be constructed in any yard other than the rear yard area of a lot, except where the lot exceeds five (5) acres;
 - g) A small wind energy system that is out of service for a 2 year period will be deemed to have been abandoned. The zoning inspector shall notify the owner and the inoperable system shall be removed within 60 to 90 days.
 - h) A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). (Note: required when the height of the tower plus one blade length exceeds 200 feet or when it's within 1 mile of an airport.)
 - i) Any sign visible from a public roadway is prohibited, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system.
 - j) Small wind energy systems shall not exceed 60 dBA of sound, as measured at the closest neighboring inhabited dwelling.
 - k) A small wind energy system shall comply with all applicable building and electrical codes.
 - l) Each property may have up to two small wind energy systems.
- 26) **Small Wind Farm:** Applicants requesting a conditional use permit for a Small Wind Farm and any attached appurtenances shall furnish such scale drawings and information as the Township Board of Zoning Appeals deems necessary, including the following:
- a) A plot plan of the premises involved showing lot lines, the accurate location of all wind towers, and a sketch elevation of the premises accurately depicting the proposed towers and its relationship to structures on adjacent lots.
 - b) Each wind tower shall be set back a distance equal to 1.1 times its total height from:
 - 1. any public or private road right-of-way;
 - 2. any overhead utility lines; and
 - 3. all property lines.
 - c) There is no maximum total height for each wind energy system installed in accordance with these regulations, except for those imposed by Federal Aviation Administration regulations, provided the applicant includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Total height means the vertical distance from finished grade ground level to the tip of a wind generator blade when the tip is at its highest point.
 - d) No part of the system, including guy wire anchors, may extend closer than 25 feet to the property boundary.

- e) The tower shall be designed and installed so as to not provide climbing rungs from a level measured 15 feet from the finished grade ground level.
- f) The only signs allowed on or near towers or other apparatus shall be manufacturer instructions and appropriate warnings. (e.g., “DANGER HIGH VOLTAGE”)
- g) All intra-project power lines and the transmission lines leading up to the project site shall be underground.
- h) A small wind farm shall comply with all applicable building and electrical codes.
- i) A small wind farm shall comply with Federal Aviation Administration (FAA) regulations. (Note: required when the height of the tower plus one blade length exceeds 200 feet or when it’s within 1 mile of an airport.)
- j) A wind tower and generator shall not be artificially lighted unless such lighted unless such lighting is required by the Federal Aviation Administration (FAA).
- k) A wind energy system that is out of service for 2 years will be deemed to have been abandoned. The zoning inspector shall notify the owner and the affected inoperable system shall be removed within 60 to 90 days.

27) **Home Occupation:**

- a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;
- b) The home occupation may be conditionally permitted to be conducted in a structure accessory to the residence provided the accessory structure meets all the requirements regulating accessory uses. See Sections 570 to 576 inclusive. In addition, the space utilized for a home occupation conducted in an accessory building shall be limited to an area no larger than twenty-five (25) percent of the floor area of the dwelling unit.
- c) No more than one person other than members of the family residing on the premises shall be engaged in such operation;
- d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building. In addition, a four square foot freestanding sign may be installed at the building setback line if the wall sign is not visible from the roadway.
- e) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in the required front yard;
- f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- g) The County Health Department should be consulted on a case by case basis regarding sanitary facilities, that

is, whether new facilities are required or if a tap-in to an existing septic system is permitted.

28) **Sexually Oriented Businesses:**

a) **Summation**

1. **Intent:** The intent is to establish and require special reasonable and uniform regulations to promote and protect the public health, peace, safety, and welfare of the citizens and residents within geographical area of Ashtabula Township. It is intended to protect property values as well as render the most beneficial use of land in the township.
2. **Purpose:** The purpose is to amend existing adult entertainment business zoning to sexually oriented business zoning in Ashtabula Township. The Ashtabula Township Trustees have considered, in part, each of the following matters: (a) areas within close walking distance of single and multiple family dwellings should be free of all sexually oriented business uses; (b) areas where children or minors could be expected to walk, patronize, visit or frequent should be free of all sexually oriented business uses; and (c) areas in which sexually oriented business use should be permitted must be areas of Ashtabula Township not in close proximity to area zoned for residential uses, churches, parks, other public facility and schools.
3. **Land Use Studies:** The Ashtabula Township Trustees and Ohio Zoning Commission have, through counsel, conducted land use studies and have determined that sexually oriented businesses have, because of their nature, created secondary effects in other political subdivisions throughout the State of Ohio and United States. These secondary effects have a deleterious impact on existing businesses around them and surrounding residential areas adjacent and in proximity to them. The impact results in increased criminal activity, too often results in illicit sexual activity including prostitution and sexual liaisons of casual nature.
4. **First Amendment:** The Ashtabula Township Trustees recognize the United States Constitution First Amendment rights of individuals and citizens and the zoning regulations are being advanced not for the purpose of suppressing any constitutional rights of individuals and citizens – they are being advanced for the purpose of a neutral amendment to its Zoning Rules and Regulations addressing the adverse secondary effects of sexually oriented businesses. The Ashtabula Township’s Zoning Rules and Regulations shall control the aforementioned adverse secondary effects of sexually oriented businesses and, preserve the property value and character of Ashtabula Township neighborhoods; deter the spread of urban blight; protect citizens and residents from increased crime; preserve the quality of life; and protect the health, safety and welfare of Ashtabula Township’s citizens and residents.
5. **Secondary Effects:** The Ashtabula Township Trustees recognize the effects of sexually oriented businesses in promoting and protecting respect for family values, children and minors. Secondary effects of sexually oriented businesses increase exposures and possible harmful effects for families, children and minors to avoid experiencing such activity when they are required to live in, around and/or traverse, walk through or visit these immediate neighborhoods of such businesses. The deterioration of respect for family values are at risk with often increased crime and unhealthy conduct tend to accompany and concentrate around and be aggravated by sexually oriented businesses including but not by way of limitation, prostitution, pandering, exposure to harmful material, possession and distribution of pornographic and obscene material, possession and sale of controlled substances, and crime against person and property.

b) **Sexually Oriented Businesses shall comply as follows:**

1. **Only Permitted Area:** Sexually oriented businesses are permitted and regulated to the geographical areas of Ashtabula Township zoned Heavy Manufacturing District (M-2).
2. **Zoning Compliance:** Sexually oriented businesses shall be permitted only in the Heavy Manufacturing District (M-2) and shall comply with the district zoning rules and regulations applicable to all properties zoned Heavy Manufacturing District (M-2).
3. **Sexually Oriented Businesses:** The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. No person shall cause or permit the establishment of any sexually

oriented business, as defined above, within measurement of distance of **FIVE HUNDRED FEET (500')** of any other such business.

4. Other Organizations & Businesses: No person shall cause or permit the establishment of any sexually oriented business, as defined above, within measurement of distance of **ONE THOUSAND FEET (1000')** of any religious institution, school, boys' club, girls' club, or similar existing youth organization, or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as a part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public, or private elementary or secondary school, or the nearest boundary of an affected public park, residential district or residential lot.
5. Business Conduct: It shall be the obligation of the sexually oriented business to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

Nothing herein expressed shall condone any conduct and/or activity which violates Federal, State, and/or Township Laws and Zoning Regulations prohibiting obscenity, sex offenses or any other criminal conduct or activity; nor shall this regulation forbid prosecution for such criminal conduct and/or activity. (Rev. 1/10/09)

6. Severability: If any section, subsection or clause of the Regulation shall be deemed to be unconstitutional or otherwise invalid, the invalidity with the remaining sections, subsections, and clauses shall not be affected thereby.

No person shall, in addition to the above, cause or permit the establishment of any sexually oriented business without first complying with all other requirements of the Township of Ashtabula's, County of Ashtabula's, and/or State of Ohio's Zoning Regulations, Health Regulations, Fire Code Regulations, and all Building, Electrical, Structural and Plumbing Regulation.

29) **Bed and Breakfast** establishments shall conform as follows:

- a) The owner of the residence/dwelling operating a Bed and Breakfast establishment must be a resident of dwelling.
- b) In a low density residential (R-2) and Suburban Estate Residential (SER) zoning districts no more than three (3) guest rooms shall be provided. In RMF-8 and RMF-24 zoning districts no more than five (5) guest rooms shall be provided.
- c) A Bed and Breakfast establishment shall have one common/private cooking and eating area. Guest rooms shall not include separate cooking and eating areas.
- d) Guest rooms shall be used for sleeping and shall be a part of the primary residential structure.
- e) The external appearance of the structure in which the use is to be conducted shall not be altered. Minor or moderate structural alterations in accordance with Ashtabula County Building Department regulations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- f) Signage, no larger than four (4) square feet in area, shall be allowed to identify the establishment, not to advertise. Said signage shall be attached to the primary building of the Bed and Breakfast of the establishment.
- g) Parking shall be provided for at a minimum of one vehicle per guest room. Said parking spaces shall not be located in the required or established front yard of the lot.

Section 565

SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Section 350 of this resolution.

Section 566

PROCEDURE FOR HEARING, NOTICE.

Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall publish notice in a newspaper, give written notice to all parties in interest, and hold a public hearing according to the procedure specified in Section 546 through 548.

Section 567

ACTION BY THE BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568

EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year. A conditional use permit is issued only to the applicant and is not transferable.

570 REGULATION OF ACCESSORY USES:

The provisions of Sections 570 to 575 inclusive of this Resolution shall apply to the location and maintenance of accessory uses as herein defined.

571 PURPOSE:

It is the purpose of Sections 570 to 575 inclusive of this Resolution to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

572 DEFINITION:

Accessory use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, and which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area (**except for special residential district rules for lots over one acre**) to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this resolution, an accessory use shall be a permitted use.

573 GENERAL REQUIREMENTS: Except as otherwise provided in this Resolution, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. The area limitations for residential districts are as follows:
 - a) The total enclosed ground floor areas of all buildings on the lot shall not exceed 35% of the lot area;
 - b) An attached or detached garage shall be no larger than 75% of the footprint of the principal use residential building.

1. On a lot up to one acre, the total footprint area of an accessory building shall be limited to the formulation of the acreage of the lot size times the size of the principal building including any type of garage.
 2. For lots an acre or over, the additional area allowance shall be one-third the principal building area times the excess acreage over one acre.
2. The height limitations in residential districts are as follows:
 - a) Attached garages shall be limited to equal or lower height than that of the principal building,
 - b) Detached garages and other detached accessory buildings shall be limited to 15 feet per the Schedule of District Regulations.
 3. The location of detached accessory buildings shall meet the rear and side lot line setbacks as per the Schedule of District Regulations.
 4. The number of accessory buildings in residential districts shall be limited as follows: For lots under 0.75 acres, allow one accessory building in addition to an attached or detached garage; for lots 0.76 acres and larger but less than 1.50 acres, allow two accessory buildings in addition to an attached or detached garage; for lots 1.51 acres or larger but less than 3.00 acres allow three accessory buildings in addition to an attached or detached garage, for lots 3.01 acres or larger but less than 5.00 acres allow three accessory buildings in addition to an attached or detached garage, for lots larger than 5.00 acres allow a maximum of five accessory buildings in addition to an attached or detached garage.
 5. It shall not contain or be used as a dwelling unit.
 6. It shall meet all yard requirements of the principal use unless otherwise specified in this Resolution.
 7. In other than residential districts, the accessory buildings shall be subordinate in area to the principal building, and follow the Schedule of District Regulations for height and yard requirements.

574 DWELLINGS AS ACCESSORY USES: Mobile home trailers shall not be permitted as accessory uses in any district.

575 ACCESSORY ELDERLY DWELLING UNIT: Notwithstanding the provisions of Subsection 2 of Section 1001 of this Resolution, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.