

# PERRY TOWNSHIP ZONING RESOLUTION

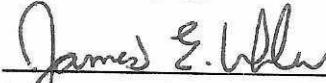
*Amended April 2024*

PREPARED WITH THE ASSISTANCE OF THE ASHLAND COUNTY  
PLANNING COMMISSION

## ***Perry Township Trustees***



Brian G. Funk



James E. Uhler



Burton Williams



Valerie Hall-Fiscal Officer

The Board of Township Trustees of Perry Township resolves to adopt the amended Perry Township Zoning Plan 2024 resolution and map as presented by the Perry Township Zoning Commission, in as much as hearings were conducted by both the Trustees and the Zoning Commission.

*Passed this 2<sup>nd</sup> day of April 2024*

*Effective Date: May 5, 2024*

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*Original Resolution 1991*

*Amended 1995*

*Amended 2011*

*Amended 2024*

PERRY TOWNSHIP, ASHLAND COUNTY OHIO

ZONING COMMISSION

PREAMBLE

This is the zoning resolution for Perry Township, Ashland County, Ohio enacted in accordance with the Ashland County Comprehensive Plan 2000, as revised and the provisions of Chapter 519 of the Ohio Revised Code. This resolution divides the unincorporated portion of the township into Districts encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, commercial, industrial, recreational and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this resolution, defining the powers and duties of the administrative officers as provided hereafter and prescribing penalties for the violation of the provisions in this Resolution or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare and for the repeal thereof.

Therefore, be resolved by the Board of Township Trustees of Perry, Ashland County, Ohio; this Resolution shall be known as the Perry Township Zoning Resolution and may be referred to as the Zoning Resolution.

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**ARTICLE I Purpose and Title**

**101 Purpose**

Whereas the Trustees of the Township of Perry deem it necessary to the promotion of the public health, safety, morals, comfort and general welfare of what is known as Perry 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 Perry 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 Perry 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 Perry 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 Health Department for a review letter
  - b) Present letter and site plan to Zoning Inspector
  - c) Approval of the zoning certificate by the township zoning inspector
  - d) Final inspection and approval by the health department
- 2) Nothing here in 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) Pursuant to Section 519.21 of the Ohio Revised Code, nothing within this Zoning Resolution shall confer power to prohibit the use of any land for agriculture purpose or the construction or use of buildings or structures incident to the use of agricultural purposes of the use of land of which such buildings or structures are located, and no Zoning Permit shall be required for any such building or structure.
- 2) Pursuant to Section 519.211 of the Ohio Revised Code, 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 the 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**  
Will fall under the provisions of the Ohio Revised Code 519.21
- 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 Perry 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 and frontage 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 and met the zoning requirements that were in place when it was created, 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 with exception of parcels transferred to an adjoining property meeting those requirements.

**214 Landfills**

Commercial or private landfills are expressly forbidden in Perry Township, except if operating as a Public Utility, Commercial or Private Landfills.

**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, Fire Official or Ashland County Health Department from complying with their 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 affect 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**

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 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.

**301 Accessory Buildings:** A detached building not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot.

**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.

**304 Board:** Shall mean the Perry Township Zoning Board of Appeals.

- 305 **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.
- 306 **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.
- 307 **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.
- 308 **Commercial Butchering:** A facility established to slaughter livestock. Said facility may offer meat for wholesale or retail trade.
- 309 **Conditional Use:** A use which is subject to approval by the Perry 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.
- 310 **Custom Butchering:** A facility established to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individual raising livestock for their own consumption.
- 311 **Dwelling:** A building or portion thereof, designed exclusively for residential occupancy, including single family dwellings, two family dwellings, multi-family dwellings, vacation and seasonal 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. All dwellings must be set on a permanent foundation and be on their own lot of record, not being on a lot shared with another dwelling. These lots shall meet the minimum requirements.
- 1. Manufactured Dwelling:** A detached residential unit designed for transportation after fabrication on public or private thoroughfares on its own wheels; arriving at the site ready for occupancy except for minor and incidental unpacking and assembly operations. A factory-built structure having at least thirteen hundred (1300) square feet of habitable floor space, excluding porches and garages and from which all wheels, tongues and axles have been removed and which is set on a permanent foundation with solid walls running the entire perimeter of the structure and allowing for access to the crawl space meeting local fire department requirements, with footers below the frost line and which is taxed as real property. A constructed unit that is approved by the Ohio Department of Industrial Relations. Approved manufactured dwellings will carry a certification sticker from the State of Ohio. All manufactured dwellings shall meet the requirements of Section 4101.2 of the Ohio Basic Building Code dealing with industrialized units for the year in which they were built. Only manufactured dwellings from manufacturers certified as per Section 4101.2-98 may be located in Perry Township. Such manufactured dwellings may be considered single family dwellings. All manufactured dwellings having at least seven hundred and twenty (720) sq. ft. but less than thirteen hundred (1300) sq. ft. must be located in a mobile home park and shall be installed to the satisfaction of the park.
- 2. Modular Home:** An Assembly of prefabricated panels, modules, materials or products comprising all or part of a total structure which, when constructed, is self-sufficient and when installed constitutes a single-family dwelling and which contains a minimum of thirteen hundred (1300) sq. ft. of habitable floor area exclusive of porches, or garages. Such installation includes its

placement. This definition includes sectional units, but not manufactured dwelling. A single modular home shall be considered a single-family dwelling. Modular homes must be set on a permanent foundation with masonry walls running the perimeter of the structure with footers below the frost line and taxed as real property.

**3. Single Family Dwelling:** A dwelling which is designed for and occupied by not more than one family and containing a minimum of thirteen hundred (1300) sq. ft. of habitable floor area exclusive of porches, or garages.

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

**5. Multi Family Dwelling:** A structure on a single lot of record containing a maximum of three (3) dwelling units, each of which is totally separated from the others by an un pierced 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 seven hundred and twenty (720) sq. ft. of habitable floor area exclusive of porches or garages.

**6. Vacation or Seasonal Dwelling:** A single family dwelling for vacation use. Such buildings are usually rented by the day or week and not used as a primary residence by the occupant.

**7. Maximum of one dwelling per lot of record, with the exception of planned unit development.**

**312 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.

**313 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.

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

**315 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.

**316 Frontage:** Shall be measured in a continuous line along the right of way line of the roadway between the points of intersection of the side LOT lines with the roadway.

FRONTAGE: For a corner lot may be measured either to the point of intersection of the extension of the sideline of the rights-of-way or to middle of the curve connecting the sideline of the intersecting streets.

If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.

**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 lubrication 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 Junk Yards:** An open area where waste scrap metal, paper, two (2) or more unlicensed and/or inoperable motor vehicles or parts thereof, or similar materials are bought, sold, exchanged, stored, packed or handled, including building wrecking yards.
- 321 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.
- 322 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 one-hundred and fifty (150) feet of 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.
  4. One dwelling per lot 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.
- 323 Lot Area:** The total horizontal area within the lot lines of a piece of property.

- 324 Lot Coverage:** The percentage of enclosed ground floor area of all buildings to total lot area.
- 325 Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.
- 326 Lot Lines:** The lines bounding a lot as defined herein.
- 327 Lot Width:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.
- 328 Main Building:** A building in which is conducted the principal use of the lot on which it is located.
- 329 Nonconforming Building:** A building or a portion there of 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 land use of the Regulations of the District in which it is now located.
- 330 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.
- 331 Permanent Foundation:** Any traditional foundation of footer, block, poured wall or perma-columns or any foundation certified by a licensed engineer.
- 332 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.
- 333 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.
- 334 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.
- 335 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.
- 336 Rear Yard:** A yard extending across the full width of the lot between the nearest rear main building and the rear lot line.
- 337 Recreational Uses:**
- 1. Commercial Recreational Facilities:** Recreational facilities established for profit, such as but not limited to, commercial golf courses, swimming pools, ice skating and race tracks. Note, shooting ranges shall not be included. As a commercial recreational facility.
  - 2. Non-Commercial Recreational Facilities:** Private and semi-private recreational facilities which are not operated for commercial gain, such as but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational

facilities may be leased to outside groups or organizations provided the fees for such purposes is limited to incidental and custodial expenses.

- 338 Regional Flood:** Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.
- 339 Regional Flood Plain:** That land inundated by the 100-year flood (regional flood).
- 340 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.
- 341 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 farms owned or operated by the market operator in a normal crop year. Parking off the highway must be provided.
- 342 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.
- 343 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.
- 344 Sexually Oriented Businesses:** Sexually Oriented Business shall mean an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**Adult Arcade** shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Adult Bookstore or Adult Video Store** shall mean a commercial establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of sale or rental for any form of consideration of any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

**Adult Cabaret** shall mean a nightclub, bar, restaurant, or similar commercial establishment in which persons appear in a state of nudity in the performance of their duties.



**Adult Motion Picture Theater** shall mean a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are shown fifteen (15%) percent or more of the total time open to the public which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Motel** shall mean a hotel, motel or similar commercial establishment which: Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic productions; or offers a sleeping room for rent for a period of time that is less than ten (10) hours; or allows a tenant or occupant or a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**Adult Theater** shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

**Escort Agency** shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**Nude Model Studio** shall mean any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**Sexual Encounter Center** shall mean a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**Specified Anatomical Areas** shall mean human genital in a state of sexual arousal.

**Specified Sexual Activities** shall mean and include any of the following: The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy. "Nudity" means the showing of either of the following: The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the female breast with less than a fully opaque covering on any part of the nipple.

**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 Tourist Homes:** An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.
- 349 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.
- 350 Wind Turbine/Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.  
Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.  
Total Extended Height: The height above grade to a blade tip at its highest point of travel.
- 351 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.
- 352 Zoning District:** Shall mean the Zoning Districts and land uses therein as established by the Zoning Resolution of Perry 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**

##### **AGRICULTURE (A-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.

##### **RURAL CENTER (R-2)**

To recognize and provide for small rural centers or "cross-roads communities" where limited mixed land uses exist and are not particularly harmful to each other. To provide for areas having convenience goods and services to residents of the surrounding area.

**COMMERCIAL (C)**

To provide for the commercial needs of residents of the area as well as tourist or travelers to the extent of need and appropriateness.

**INDUSTRIAL (I)**

To provide for agribusiness and desirable industrial development in appropriate locations. To protect surrounding areas and the Industrial District from pollution, etc.

**402 Locations of District**

1. The boundaries for the districts listed in this Zoning Resolution are indicated on the Perry 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 Perry 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 and Zoning Resolution shall be maintained in the offices of the Perry Township Trustees/County Planning Commission/Office of the County Recorder.

**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 Agriculture District (A-1)**

**1. Permitted Uses**

- Agriculture
- Single Family Dwellings
- Non-Commercial Recreational Facilities
- Home Occupations
- Essential Services

Accessory Buildings and Uses  
Public Uses  
Semi-Public Uses  
Animal Hospitals

**2. Conditional Uses**

Two Family Dwellings  
Manufactured Dwellings  
Manufactured Dwellings Parks and Subdivisions  
Tourist Homes  
Nursery and Nursing Homes  
Institution  
Vacation or Seasonal Homes  
Campground  
Planned Unit Development  
Mortuaries  
Cemeteries  
Airport  
Radio or Television Station or Transmission Facilities  
Commercial Recreational Facilities  
Oil and Gas Wells  
Mineral Extraction, Storage, or Processing  
Public Service Facilities  
Storage/Shipping Containers  
Wind Turbines

3. Minimum area: One and one-half (1.5) acre (65,340 sq. ft.)
4. Minimum lot width: One hundred and fifty (150) continuous feet in one line, running continuous (not a front and a side combined) on any dedicated Township, County, or State Road.
5. Minimum front yard: Eighty-five (85) feet from the center of the road or street.
6. Minimum Rear yard: Thirty (30) feet from property line.
7. Minimum Side Yard: Twenty-five (25) feet each side property line.
8. Minimum lot depth: Equal to lot frontage, but not to exceed four (4) times the lot width.
9. Maximum Building Height: Thirty-five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5)
11. Maximum Percent of Lot Coverage: Twenty-five (25) percent
12. Minimum living area of dwelling: Thirteen-hundred (1300) square feet.

**503 Rural Center (R-2)**

**1. Permitted Uses**

Agriculture  
Single Family Dwellings  
Two Family Dwellings  
Home Occupations  
Essential Services  
Accessory Buildings and Uses

Public Uses  
Professional Services

**2. Conditional Uses**

Manufactured Dwellings  
Manufactured Dwellings Home Parks and Subdivisions  
Multi Family Dwellings  
Nursery or Nursing Homes  
Tourist Homes  
Mortuaries  
Cemeteries  
Semi-Public Uses  
Neighborhood Commercial Uses  
Radio or Television Stations or Transmission Facilities  
Non-Commercial Recreational Facilities

3. Minimum Area: One and one-half (1.5) acre (65,340 sq. ft.)
4. Minimum Lot Width: One hundred and fifty (150) continuous feet in one line, running continuous (not a front and a side combined) on any dedicated Township, County, or State Road.
5. Minimum Front Yard: Fifty (50) feet from the center of the road or street.
6. Minimum Rear Yard: Ten (10) feet from the rear property line
7. Minimum Side Yard: Fifteen (15) feet each side property line
8. Minimum lot depth: Equal to lot frontage, but not to exceed four (4) times the lot width.
9. Maximum Building Height: Thirty-five (35) ft.
10. Maximum Number of Stories: Two and one-half (2.5)
11. Maximum Percent of Lot Coverage: Twenty-five (25) percent

**504 Commercial District (C)**

**1. Permitted Uses**

Agriculture  
Local Business  
Offices  
Banks  
Restaurants  
Essential Services  
Accessory Uses  
Public Uses  
Semi-Public Uses  
Professional Services

**2. Conditional Uses**

Single Family Dwellings  
Two Family Dwellings  
Multi-Family Dwellings  
Mixed Use Dwellings  
Nursery or Nursing Homes

- Tourist Homes
- Mortuaries
- Service Station
- Highway Commercial Uses
- Public Service Facilities
- Commercial Butchering
- Custom Butchering
- Shooting ranges for the general public
- Storage/Shipping Containers

3. Minimum Area: One and one-half (1.5) acre (65,340 sq. ft.)
4. Minimum Lot Width: One hundred and fifty (150) continuous feet in one line, running continuous (not a front and a side combined) on any dedicated Township, County, or State Road.
5. Minimum Front Yard: Eighty-five (85) feet from the center of the road or street.
6. Minimum Rear Yard: Thirty (30) feet from the rear property line.
7. Minimum Side Yard: Twenty-five (25) feet each side property line.
8. Minimum lot depth: Equal to lot frontage, but not to exceed four (4) times the lot width.
9. Maximum Building Height: Forty (40) feet.
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
- Storage/Shipping Containers
- Junkyards
- Radio or Television Stations or Transmission Facilities

Sawmills  
Sexually Oriented Business

3. Minimum area: five (5) acres (217,800 sq. ft.)
4. Minimum lot width: Two-hundred fifty (250) continuous feet in one line, running continuously (not a front and a side combined) on any dedicated Township, County, or State Road.
5. Minimum distance to main building:  
Two-hundred fifty (250) feet from the centerline of road or street.
6. Minimum rear yard: Fifty (50) feet, except adjacent to residential district where two hundred (200) feet is required.
7. Minimum side yard: Twenty-five (25) feet each side, except adjacent to residential district where 200 feet is required.
8. Minimum width from edge of driveway to property line: Twenty-five (25) feet.
9. Minimum lot depth: Four hundred (400) feet from the centerline of road or street.
10. Maximum lot depth: Two-Thousand Six Hundred Forty (2,640) from the centerline of road or street to the rear property line.
11. Maximum building height: forty-five (45) feet.

**Article VI Supplemental Regulations**

**601 Keeping of Animals, Fowl, or Bees**

Will fall under the Provisions of the Ohio Revised Code Section 519.21

**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 noxious 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 used. 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 Perry 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.
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 regulation 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 (30) 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%) 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.
  - f. Lot Numbering: Each manufactured dwelling space or lot shall be numbered for identification purposes.
  - g. 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.
  - h. 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 and shall not be exempted from such because of the number of sites.
- 2. Construction activities, other than stakes use to layout right-of-way's 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 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.

**606 Junk**

Junk such as abandoned vehicles or parts thereof, household items and 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 or view from adjoining property line.

**607 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.

**608 Accessory Buildings**

1. In Rural Centers, accessory buildings shall be in the side or rear yard and not permitted for home occupancy.
2. In all Agricultural Districts accessory buildings shall be no closer than ten (10) feet of side and rear property lines and 85 feet from the center of the road.
3. Accessory buildings shall not occupy more than ten (10%) percent of the required yard.
4. Accessory buildings on parcels of one acre or less shall not exceed 800 sq. ft. in all districts. Accessory buildings on more than one acre but less than five acres shall not exceed 1600 sq. ft. in all districts. Accessory buildings on parcels of five acres or greater shall not exceed 3200 sq. ft. in all districts.
5. Storage/Shipping containers must meet all foundation and code requirements listed below.
  - a. Fabricated for the purpose of transporting freight or goods.
  - b. Building permit is required prior to placing or moving onto a property and must meet all setbacks as noted within the Resolution.
  - c. Set at ground level on gravel or concrete base.
  - d. May not be used as a dwelling.
  - e. Exterior of the entire Storage/Shipping Container shall be painted with a paint that is aesthetically accepted within it's surroundings including any numbers, marking, advertising etc.
  - f. Limit of one (one container) per lot of record.
6. Any temporary moving container, such as PODS or similar, is permissible without a permit up to 2 weeks. Beyond the two weeks is at the discretion of the Zoning Inspector.

**609 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.

**610 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 two thousand (2000) 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.

**611 Correction Period**

All zoning violations shall be corrected within thirty (30) days or less if stated on zoning violation, or a stipulated period established by the Perry Township Board of Zoning Appeals of receipt of a written notice of said violation by the owner of the property. Any violation not corrected in this period of time shall be reported to the County Prosecutor for legal action.

**612 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.

**613 Flood Hazard Areas**

1. Structures and land uses located in the Regional Flood Plan 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 item 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.

**614 Signs**

1. All signs located in Perry 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 forty (40) 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 established advertised.
  - b. Signs shall be set back from the edge of the right-of-way as required by the following table:

Size	Setback
i. less than or equal to 10 sq. ft.	10 feet
ii. 11 to 30 square feet	20 feet
iii. 31 to 50 square feet	30 feet
iv. 51 square feet or greater	50 feet

- c. Signs shall be separated from each other a minimum of ten (10) times the average size
  - d. Of the signs; signs shall be not less than one hundred (100) feet apart.
  - e. Signs shall not be located less than one hundred (100) feet to a residential structure.
  - f. No sign shall be greater than one hundred (100) square feet in total surface per side.
  - g. 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.
7. When the Regulations conflict with applicable State Requirements, said State Requirements shall apply.

**615 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. Whenever a nonconforming lawful use which has been damaged by fire, explosion, act of God or the public enemy to the extent that more than fifty percent (50%) of the structure must be either repaired or replaced shall be rebuilt so that it complies with all applicable zoning requirements for that district and use. Such repair or reconstruction must be 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.

**616 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 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 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.

**617 Outdoor Wood burners**

- 1. Minimum stack of twelve (12) feet

**618 Sexually Oriented Businesses**

- 1. As used in this section the following definitions shall apply:
  - a. "Sexually oriented businesses" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater.
  - b. Sexually oriented business would be defined as one selling or renting "X" rated books, photos, magazines, videos, movies, paraphernalia or instruments designed for use in connection with "specified sexual activities." It would also be any business where nude or partially nude persons are employed or used in the operation of the business.
- 2. Only within the Industrial District (I) shall sexually oriented businesses be permitted and only if the zoning inspector has determined that each of the following conditions have been met.
  - a. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church or residence.
  - b. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
- 3. All sexually oriented businesses are a Conditional Use and requires approval by the Perry Township Board of Appeals.

**619 Wind Turbines**

- 1. Setback: The base of the tower shall be set back from all property lines, public right-of-way's and public utility lines a distance equal to the total extended height. Turbines shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.
- 2. Tower Height: So long as the total extended height meets sound and set-back requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations.
- 3. Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.
- 4. Wind Turbine Equipment: Small wind turbines must have been approved under the state public benefits program or any other small wind certification program recognized by the American Wind Energy Association.

5. Requirement for Engineered Drawings: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered\_drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
6. Soil Studies: For standard soil conditions (not including gravel, sand, or muck). Foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
7. Compliance with FAA Regulations: No WEC shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces.
8. Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
9. Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
10. Insurance: Additional insurance beyond home owners' coverage shall not be required.
11. Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operation condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine for the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code.
12. Signage: All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
13. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.
14. Access: Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

## **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 at the call of the Chairman and at such times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action, every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission and shall be filed in the Office of the Commission and shall be a public record.
3. 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.
4. 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 motion, or the date of the filing of such application. Notice of such hearing shall be given as follows:

- a. A notice shall be published in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.
- b. If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall include the following:
  - The time, date and place of the public hearing.
  - The name of the Zoning Commission that will be conducting the public hearing.
  - A statement indicating that the Motion, Resolution, or Application is an amendment to the Zoning Resolution.
  - 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.
  - The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.
  - 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.
  - 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.
  - Any other information requested by the Zoning Commission.
  - 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 l 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 adoption of the supplement, there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the un incorporated 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 con currently 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 elect a Chairman, a Vice-President and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board.
2. All meeting of the Board shall be open to the public.
3. 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.

4. The Board shall require a quorum of three (3) members shall be required to effect any decision of the Board.
5. 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 of an application by the Board of Zoning Appeals, such review being necessary because of the

provisions of this Zoning Resolution covering conditions, precedent or subsequent, are not precise enough to cover all applications without the Board of Zoning Appeals' interpretation. Request for an exception may be requested by the applicant or by the Zoning Inspector.

5. Fees: Fees as established by the Board of Trustees shall be paid upon the filing of any request for a variance, conditional use or exception. Said fees shall be paid to the Board of Trustees and shall not be refunded unless the applicant removes such request prior to any advertising. In addition, the fee shall not be refunded if the request is denied. If the request is approved, the fee shall cover the fee of the Zoning Permits required for a variance or conditional use.

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

### **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 establishes 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 Five Hundred

Dollars (\$500.00) per offense. 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.