

ARTICLE 10

SUPPLEMENTARY DISTRICT REGULATIONS.

Section 1000

GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

Section 1001

CONVERSION OF DWELLINGS TO MORE THAN ONE UNIT.

A residence may not be converted to accommodate an increased number of dwelling units unless the conversion complies with all district regulations for new construction within that district.

- 1) The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
- 2) The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- 3) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- 4) The lot area per family equals the lot area requirements for new structures in that district;
- 5) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
- 6) The conversion is in compliance with all other relevant codes and ordinances.

Section 1002

PRIVATE SWIMMING POOLS.

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following requirements:

- 1) For the purpose of this resolution Hot Tubs are not considered to be a portable swimming pool;
- 2) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 3) The pool shall not be located closer than five (5) feet to any property line;
- 4) The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.
- 5) All pools must prevent access during times when it is not occupied with a gate, lock, or raised stairway. (Rev. 1/10/09)

Section 1003

COMMUNITY OR CLUB SWIMMING POOLS.

Community or club swimming pools are permitted in any general business district and shall comply with the following conditions and requirements:

- 1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2) The pool and accessory structures thereto, including the area used by the bathers, shall not be closer than fifty (50) feet to any property line;
- 3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

Section 1004

TEMPORARY BUILDINGS.

Any temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only, may be permitted in any district and requires a permit. There shall be a one (1) year time limitation on any temporary facilities. An extension of time limit may be allowed if an application is made to the Zoning Inspector and deemed necessary by the Zoning Inspector. A Temporary Zoning Permit fee must be paid.

Section 1005

PARKING AND STORAGE OF CERTAIN VEHICLES.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored out-of-doors in any district. However, one boat and one travel trailer may be stored out-of-doors in the rear yard or side yard if they are currently licensed. In a residential district no more than one commercial vehicle per dwelling unit, may be parked or stored. This vehicle shall not exceed 2½ tons capacity. Junkyards and Auto Dealers are exempt from this section.

Section 1006

REQUIRED TRASH AREAS.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage shall be required.

Section 1010

SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and classification. See Section 441 for non-conforming setbacks in existing developed residential districts.

Section 1011

SETBACK REQUIREMENTS FOR CORNER BUILDINGS.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1012

VISIBILITY AT INTERSECTIONS.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2½) and ten (10) feet above the center line grades of the intersection streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 1013

PROPERTY FENCING IN RESIDENTIAL AREAS

1. Fencing restrictions in front and side yard areas are as follows:

- a. The front yard lot line and the first thirty (30) feet of each side yard lot line from the road right of way may construct a fence to the maximum height of three (3) feet so that it does not impede any vision and one can see over top of the fence. However in the initial thirty (30) feet you may install a four (4) foot high chain link fence or another style of fence that you can see completely through. Should the fence or wall impede vision, the maximum height is three (3) feet. (Rev. 1/10/09)
 - b. The remainder of the property line on the side yards or rear yard may have any style of fence or wall constructed but may not exceed six (6) feet in height. No hedge or other vegetation shall be permitted which materially impedes vision across such yards above the height of two and one half (2 ½) feet up to ten (10) feet.
2. Other Fencing Use:
- a. Fencing may be of many choices such as, open-picket, split rail, chain-link in side yards and other property line areas.
 - b. Not to exceed six (6) feet in height on level terrain.
 - c. The fence may be commercially available or acceptably designed and installed. The fencing must be maintained in good repair and appearance.
 - d. The furthest most projecting dimension of the fence may be installed up to the property line.
 - e. It is the responsibility of the homeowner and installer to establish the lot line. This may mean a certified survey or written agreement with involved adjoining property owners.
 - f. It shall be unlawful for any fence to be constructed in whole or in part of barbed or concertina wire or to be electrified. (Rev. 1/10/09)

Section 1014

YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015

SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Non-residential buildings or uses shall not be located nor conducted closer than fifty (50) with screening required along the lot line. Such screening shall be masonry, solid fence, or staggering rows of hedges, shrubs, or evergreens to accomplish dense planting (as though it was a solid fence). The land developer may utilize a combination of these permitted landscaping techniques to achieve a minimum of eight (8) feet in height with a maximum of twelve (12) feet, as long as the technique is consistent from property pin to property pin/right of way in a straight line. The design is dense to minimize the potential nuisances such as dirt, litter, noise, odor, lighting, or unsightly views.

Screening shall not obscure traffic visibility within fifty (50) feet of an intersection. Such screening must be maintained in good condition and free of advertising or other signage. For fence construction see (A1 – A3) and the Fence, Wall, and Screening Requirement Summary.

Section 1016

ARCHITECTURAL PROJECTIONS.

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 1017

EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, towers and attached appurtenances, or other appurtenances usually required to be placed on/above the roof level and not intended for human occupancy except where the height of such structure(s) will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Said towers and attached appurtenances shall not exceed one hundred (100) feet in height from existing ground level.

Section 1018

ACCESSORY STRUCTURE REQUIRING A PERMIT.

All accessory structures require a permit and must comply with required front, rear, and side yard setback requirements for the district where located.

Section 1019

STRUCTURES ON THROUGH LOTS.

Principal structures on through lots must comply with all front, rear, and side yard setback requirements from each right-of-way in the district where located. Accessory building(s) on through lots must comply with all front, rear, and side yard setback requirements from each right-of-way. Rear yard setbacks on through lots are considered the same as front yard setbacks in the district where located.

Section 1020

SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits.

Section 1031

MEASUREMENT PROCEDURES.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., The United States Bureau of Mines, and the Ohio Environmental Protection Agency, A.I.A. & N.F. P. A., Ohio State Fire Code, American Insurance Association, and National Fire Protection Agency.

Section 1040

AGRICULTURAL USES, PROHIBITIONS AND LIMITATIONS.

In any platted subdivision with lots of one (1) acre or less, agricultural uses are prohibited in districts zoned for residential, commercial or industrial uses. In any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road and of one (1) acre or less, agricultural uses are prohibited. On lots greater than one (1) acre but less than five (5) acres, buildings and structures incident to the Agricultural use of the land shall abide by the following:

- 1) Setbacks:
 - a) front yard -- 60 feet
 - b) side yard --- 20 feet each (40 feet total)
 - c) rear yard --- 25 feet

- 2) Principal Building size:
 - a) minimum -- 100 square feet
 - b) maximum -- 1,600 square feet

- 3) Building Height: -- 20 feet

Section 1050

REGULATION OF TELEVISION, RADIO, AND MICROWAVE TOWER AND TELECOMMUNICATIONS EQUIPMENT SITING.

Sections 1050 to 1055 inclusive shall apply to the location and maintenance of TV, radio, microwave tower and telecommunications equipment as a principal use.

Section 1051

PURPOSE

- 1) To minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
- 2) To avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
- 3) To lessen traffic impacts on surrounding residential areas;
- 4) To limit radiation emitted by telecommunications equipment so that it will not adversely affect human health;
- 5) To maximize use of any new transmission tower to reduce the number of towers needed;

Section 1052

ZONING PERMIT REQUIRED

No person, firm or corporation shall undertake the construction, erection or installation of the following without a permit:

- 1) VHF and UHF television towers and transmission facilities;
- 2) FM and AM radio towers and accessory facilities;
- 3) Two-way radio towers;
- 4) Common carriers;
- 5) Cellular telephone, and
- 6) Fixed-point microwave.

Section 1053

APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

All uses listed in 1052 must meet all of the following standards:

- 1) Existing or approved towers cannot accommodate the telecommunications equipment for the proposed tower.
- 2) The site of existing and approved towers cannot practically accommodate the proposed tower.

- 3) Structures will be set back from abutting residential district parcels, public property, or road right-of-ways a sufficient distance to:
 - a. Contain on-site substantially all ice-fall or debris from tower failure;
 - b. Protect the general public from non-ionizing electromagnetic radiation (NIER) at levels generally found to be dangerous;
 - c. Preserve the privacy of adjoining residential property by assuring that accessory structures comply with the district regulations and that sufficient vegetative screening is planted (with earthen mounds if necessary) to screen structures to a height of eight feet;
 - d. Maintaining a setback of tower bases from abutting residential parcels, public property or road right-of-ways by a distance of 20 percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater;
 - e. Maintain tower setbacks from abutting land in other districts by the rear and side yard setback required in that district, and
 - f. Restrict placement of guy wire anchors to setback 25 feet from abutting residential district property lines, public property or road right-of-ways and the rear yard setback from abutting land in other districts.
- 4) The tower is set back from other on-and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails,
- 5) At least two off-street parking spaces must be provided,
- 6) Existing on-site vegetation shall be preserved to the maximum extent practicable,
- 7) Fencing necessary for safety or security shall be developed in conjunction with the landscaping and screening and shall be constructed to be unobtrusive in color and design.
- 8) Accessory facilities in a residential district may not include offices, long term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for transmission equipment and functions.

Section 1054

ZONING PERMIT REQUIRED

An antenna, tower and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated:

- 1) Ham radio;
- 2) Citizens band radio;
- 3) A telecommunication device that only receives a Radio Frequency (RF) signal, and;
- 4) A sole-source emitter with more than one-kilowatt average output.

Section 1055

ZONING PERMIT NOT REQUIRED

The following uses are exempt from this resolution:

- 1) Portable, handheld, and vehicular transmissions;
- 2) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC;
- 3) A source of non-ionizing electromagnetic radiation with an effective radiated power of seven watts or less;
- 4) A sole-source emitter with an average output of one kilowatt or less if used for amateur purposes;
- 5) Marketed consumer products, such as microwave ovens, citizen band radios, and remote control toys; and
- 6) Goods in storage or shipment or on display for sale, provided the goods are not operated, except for occasional testing or demonstration.

Section 1056

GAS AND OIL WELLS; MINING AND MINERAL RESOURCES

The mining of oil, natural gas, and other minerals within Ashtabula Township shall be regulated in accordance with Chapter 1509 of the Ohio Revised Code. The Division of Mineral Resources of the Ohio Department of Natural Resources is, and shall remain, the exclusive authority to regulate the permitting, location, and spacing of oil and gas wells within Ashtabula Township and the State of Ohio. The regulation of oil and gas activities is a matter of general statewide interest that requires uniform statewide regulation.

- 1) No Zoning Permit Required: The drilling, operation, production, plugging, maintenance, and abandonment of oil and gas wells shall not require the issuance of a Zoning Permit. All permitting and all inquires pertaining to such mining activities shall be referred to the Division of Mineral Resources, Ohio Department of Natural Resources. The Zoning Inspector shall act as an agent of the State of Ohio by promptly reporting all violations of Chapter 1509 of the Ohio Revised Code to the Chief of the Division of Mineral Resources. (Rev. 1/10/09)

Section 1057

SOLAR PANELS

A. Solar panels are a permitted accessory use, subject to the following requirements:

1. Ground-mounted solar panels shall be located in the side or rear yard only in accordance with the setbacks established for all accessory uses and shall not exceed twelve (12) feet in height.
2. Roof-mounted solar panels on the principal building shall be installed on the plane of the roof material (flush mounted) or made part of the roof design (e.g. utilizing capping or framing compatible with the color of the roof or structure), but shall not extend more than eight inches from the roof surface. Accessory buildings shall not exceed the height requirements established for all accessory buildings.
3. All solar panel installations shall comply with all applicable building, plumbing, and electrical codes.

4. There is no limit on the number of solar modules or arrays installed on each property, except for the following:
 - a) Solar energy commercial operations are prohibited.