

## MORGAN TOWNSHIP ZONING

A resolution providing for the zoning of the unincorporated area of Morgan Township by regulating the location, size, height, and use of building and structures, the area and dimensions of lots and yards, and the use of lands and for such purposes dividing the unincorporated area of the township into zones and districts of such number, sizes, and shapes as are deemed best suited to carry out said purposes, providing for a method of administration and enforcement of this resolution.

WHEREAS, the Board of Trustees of Morgan Township deems it in the interest of the public health, safety, morals, comfort, and general welfare of said township and its residents to establish a general plan for zoning for the unincorporated area of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Morgan Township:

### SECTION I - PURPOSE

For the purpose of promoting health, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of this township find it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and

other structures, percentages of lot areas which may be occupied, set-back building lines, size of yards, courts and other open spaces, the density of population, the uses of buildings and other structures, and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the township into districts or zones.

## SECTION II - DISTRICTS

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the township is hereby divided into the following districts:

1. Resort residential, which shall be designated as "A" districts.
2. Residential, which shall be designated as "B" districts.
3. Business and commercial, which shall be designated as "C" districts.
4. Industrial and manufacturing, which shall be designated as "I" districts.

The districts as shown on the map hereto attached are hereby established and said map is made part of this resolution, it being understood that boundaries of said districts follow along lot survey lines and road right-of-ways except where otherwise noted, in which instances the zone line shall be considered to begin 500 feet from the center line of any road or highway. Be it further understood that all land area of said township not designated "A" residential, "C" commercial or "I" industrial, is designated "B" residential and use shall conform to "B" requirements. No building or premises shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION III.- AGRICULTURE  
(Exemption of Agricultural Uses)

Nothing contained herein to the contrary, this resolution shall in no way prohibit the use of any land for agricultural purposes or the construction of or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. Agriculture shall also include the cutting, sawing and removing of timber and forestry.

Excepting, however, any building, or structure used by a person or persons for a home or residence shall not be exempted from this regulation, and such structure or building, used for a home or residence which is located or constructed upon land used for the purpose of agricultural or any form thereof as set forth in Revised Code Section 519.01, shall be subject to the regulations contained in this zoning plan, as not being a structure or building incident to or necessary-for the purpose of agricultural use.

A parcel of land may be classified as agricultural provided that it contains five acres or more of land, or that the operator derives fifty per cent or more of his net income from agriculture, including farming, dairying, pasturage, agriculture, horticulture, animal or poultry husbandry, and the necessary accessory uses for packing, treating, or storing, the produce, provided that the above uses shall not include the commercial feeding of garbage or offals to swine or other animals.

SECTION IV - DEFINITIONS

Words used in this resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number. The word "shall" as used in this resolution shall be construed to mean mandatory. The word "structure" shall include the word "building."

The word structure of "building" is anything erected, constructed, reconstructed or placed on a foundation, posts, piles blocks, skids, sills or any other support, whether such foundation posts, piles, blocks, skids, sills, or any other support is or is not permanently located in or attached to, the soil. Fences, ornamental fences and hedges shall not be defined as structures in this resolution.

The masculine gender as used in this resolution shall include the feminine and neuter gender and vice versa.

The height of a building wherever mentioned in this resolution, shall be the vertical distance measured from a natural grade at the center line of the principal front of the building to the highest point of the roof.

Lot as used shall be a parcel of land occupied by or legally capable or being occupied by, a principal building and the accessory building or buildings or uses customarily incident to it and to include such open yard areas as are required by this resolution and such further open areas that are herein permitted to be arranged and designed to be used in connection with such building.

Front Lot Line or "front property line" or "property frontage" for the purpose of this resolution shall be construed to be coincident with the principal road line of a lot.

Rear Lot Line or "rear property line" shall be the property line opposite the front lot line as defined in this resolution. If a lot is not in the form of a rectangle but is irregular in shape, there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the one side of said angle shall be the front lot line and the line opposite said angle shall be the rear lot line,

A Set-Back Line wherever mentioned in this resolution is the distance between the front lot line in question and the nearest principal building line.

A Porch wherever mentioned is a roofed open area, projecting from the front, side or rear wall of the building.

A Signboard or "billboard" is any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

The words "Streets," "Road," "Highway," or "Lane," are for the purpose of this resolution considered to be synonymous and each is defined as a public way located, designed and dedicated for public use,

An Alley is defined as a narrow way, located, designed and dedicated for public use and usually abutting on the rear lot line.

Structure or "building" is anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or other support is or is not permanently located in or attached

to, the soil. Fences, ornamental fences and hedges shall not be defined as structures in this resolution.

Trailer or "house Trailer" for the purpose of this resolution is any vehicle originally built, manufactured, assembled, constructed or reconstructed to have one or more wheels, and is designed, used or intended for uses as a temporary or permanent dwelling or shelter for one or more individuals.

A Rear Yard or "lack yard" or rear area or back area, is a space unoccupied by buildings or any structure of any type between the rear lot line and the building nearest thereto on said lot.

A Line of Building or building line is either the main foundation wall of the line of any covered porch extending outside the main foundation wall, not including steps or walks, whichever is nearer the lot line in question.

A Side Yard or "side area" is a space unoccupied by buildings between a side lot line and the building line nearest thereto on said lot.

A Side Lot Line shall be any lot line which is not a rear lot line or a front lot line.

A Corner Lot is a lot, two sides of which are bounded by margins of intersecting dedicated public highway.

A Family is any number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and including domestic employees.

A Single Family Dwelling is a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

(1) In "A" and "B" districts it shall consist of not less than 1000 square feet of floor area, minimum width of 20 feet and set on a permanent foundation, (exclusive of porches, garages, basements, utility rooms, breezeways, terraces, and attics), and not less than four(4) habitable rooms upon the first floor in a single story house or dwelling and not less than 1000 square feet of floor area, of which not less than 700 square feet of floor area must be upon the first floor of the dwelling, for a 1-1/2 or 2 story building.

(2) The ceiling of the first floor shall not be less than seven and one-half (7-1/2) feet of the first floor level, in both "A" and "B" districts.

A Two Family Dwelling for the purpose of this resolution is a detached dwelling arranged intended, designed, and constructed to be occupied by not more than two families and shall include double or duplex houses;

(1) In "A" and "B" districts it shall consist of not less than 2000 square feet of floor area, (exclusive of basements, porches, garages, utility rooms, breezeways, terraces, attics, and partial stories), upon the first floor in a single story structure and not less than 2000 square feet of floor area in a two-story house with 1400 square feet upon the first floor.

(2) The ceiling of the first floor shall not be less than seven and one half (7-1/2) feet of the first floor level, in both "A" and "B" districts.

An Apartment House is a complete permanent building arranged, designed, intended and constructed or reconstructed to be occupied by two or more families living independently of each other and doing their own cooking upon the premises, or by two or more families living independently but having a common heating system or a general dining room.

An Apartment wherever mentioned in this resolution is a room or suite of rooms in an apartment house which room or suite of rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of a single family, individual or group of individuals.

A Non-Conforming Use is one that does not comply with the regulations established for the particular use, district or zone in which it is situated.

An Accessory Use or accessory building is a use or building customarily incident to and located on the same lot with another use or building.

A Structural Change wherever mentioned in this resolution means any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.



SECTION V - CLASSIFICATION OF USES

For the purpose of this resolution, the various uses of buildings and premises shall be classified as follows:

B districts "residential"

The following uses and no other shall be deemed Class B uses and permitted in all Class B districts.

1. Single and two family dwellings for residential purposes, which conform to regulations described elsewhere in this resolution pertaining to "B" districts, and buildings accessory thereto.

2. Tourists' homes, rooming houses, and boarding homes.

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

4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him or his private residence providing such use does not involve any outward evidence of such use except not more than one sign as authorized in other sections of this resolution, and further providing not more than 33 per cent of the area of the first floor of said dwelling house be used for said office or home occupation.

5. Gravel pit, oil wells, gas wells, sugar bush.
6. Roadside stands consisting of structures used for the display and sale of agricultural products provided:
  - A. Such stands are not in the road right-of-way.
  - B. Such stands are at least twenty (20) feet back from the traveled portion of the road.
  - C. Adequate facilities are maintained for off the road parking of customer's vehicles.
  - D. More than 50 per cent of the products sold on such roadside stands are agricultural products raised on the premises.
  - E. That such roadside stand be so designed and constructed that it can be removed when not in use.
7. No basement homes.
8. A Single Family Dwelling shall consist of not less than 1000 square feet of floor area, minimum width of 20 feet and set on a permanent foundation, (exclusive of porches, garages, basements, utility rooms, breezeways, terraces and attics) and not less than four (4) habitable rooms upon the first floor in a single story house or dwelling and not less than 1000 square feet of floor area, of which not less than 700 square feet of floor area must be upon the first floor of the dwelling, for a 1 1/2 or 2 story dwelling.

The ceiling of the first floor shall be not less than seven and one-half (7 1/2) feet of the first floor level, in both "A" and "B" districts.

A Two Family Dwelling shall consist of not less than 2000 square feet of floor area (exclusive of basements, porches, garages, utility rooms, breezeways, terraces, attics, and partial stories) upon the first floor in a single story structure and not less than 2000 square feet of floor area in a two-story house with 1400 square feet upon the first floor.

The ceiling of the first floor shall not be less than seven and one-half (7 1/2) feet of the first floor level, in both "A" and "B" districts.

9. Trailer or House Trailer. No trailers will be permitted in any district.

The following uses and no other shall be deemed Class "A" uses and permitted in all Class "A" districts:

1. Any use permitted in a "B" district shall be permitted in an "A" district.

2. In an "A" district a single family dwelling shall consist of not less than 1000 square feet of floor area, minimum width of 20 feet and set on a permanent foundation, (exclusive of porches, garages, basements, utility rooms, breezeways, terraces and attics) and not less than four (4) habitable rooms upon the first floor in a single story house or dwelling and not less than 1000 square feet of floor area, of which not less than 700 square feet of floor area must be upon the first floor of the dwelling, for a 1 1/2 or 2 story dwelling.

3. A two family dwelling shall consist of not less than 2000 square feet of floor area (exclusive of basements, porches, garages, utility rooms, breezeways, terraces, attics, and partial stories) upon the first floor in a single story structure and not less than 2000 square feet of floor area in a two-story house with 1400 square feet upon the first floor.

#### SECTION VI - BUSINESS AND NEIGHBORHOOD COMMERCIAL

"C" districts, business and commercial. The following uses and no other shall be deemed permitted in "C" districts:

1. Any use permitted in an "A" or "3" district shall be permitted in a "C" district.

2. Bed and Breakfast, tourist accommodations, motels, hotels, and other living quarters such as apartment houses and living quarters over business establishments.

3. Retail store or shop known as neighborhood commercial establishments such as grocery store, dairy store, drug store, indoor theater, haberdashery, and the like, providing the business is conducted wholly within an enclosed building.

4. Personal services such as beauty parlors, studios, offices, restaurants, and the like providing they are conducted wholly within an enclosed area.

5. Gasoline filling and service station providing storage tanks are underground and covered with earth to meet underwriters' specifications.

6. Hospital, sanitarium or rest home providing that any such hospital, sanitarium or rest home shall have a lot area of not less than four acres and a frontage on a public thoroughfare of not less than 300 feet and providing that any such hospital, sanitarium substance abuse or rest home caring for contagious disease or mental health cases, also shall have a lot area of not less than five acres in addition to the other requirements set forth herein and have not less than 400 feet frontage.

7. No criminal institutions or housing; such as penitentiary, halfway housing or prisons.

8. Lodge Halls

SECTION VII - HEAVY COMMERCIAL,  
INDUSTRIAL AND MANUFACTURING

"I" district, industrial and manufacturing. The following uses and no other shall be deemed Class "I" uses and permitted in all "I" districts:

1. Any use permitted in "A", "B", and "C" districts shall be permitted in "I" districts.

2. Any business, industrial, manufacturing, service or commercial use which shall meet performance standards further described in this section, excepting such uses as are described under Section VIII of this ordinance.

Any business, industrial, manufacturing, service or commercial use shall conform to the following performance standards:

A. SMOKE: No emission from a chimney, or otherwise, of visible grey smoke of a shade darker than No. 1 on Ringelmann Smoke Chart, published by U. S. Bureau of Mines except a shade not darker than No. 2 on Ringelmann Chart may be emitted for not more than 8 minute in any one hour. This provision applicable to grey smoke shall also apply to visible smoke of a different color and apparent equivalent opacity.

B. AIR POLLUTION. (Fly Ash, Dust, Fumes, Vapors, and Gases) No emissions of fly ash or particulate matter which cause damage to human health, to animals, vegetation, or property or emission or emission of any noxious or toxic concentration of fumes vapors or gases into the air; no emission from any chimney or otherwise, of any solid or liquid particles in concentration exceeding 0.3 grains per cu. ft. of the conveying gas or air at any point. For measuring amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 per cent excess air.

C. RADIOACTIVITY OR ELECTRICAL DISTURBANCE. No activities shall be allowed which emit dangerous radio-activity at any point. No electrical disturbance adversely affecting operation at any point of any equipment other than that of the creator of such disturbance.

D. FIRE AND EXPLOSION HAZARDS. Any industrial use shall be so designed, located and safeguarded as to produce no exposure hazard at any property line as may be determined by the Ohio

Inspection Bureau. All relevant provisions of state, county, and Local laws relative fire hazards or explosion hazards and the storage and use of inflammable and explosive materials must be complied with.

2. ODOR. The continuous, frequent or repetitive emission of odors which are attributable to a specific industrial activity and demonstrably offensive at or beyond the lot land of that activity is prohibited. An odor emitted no more than 20 minutes in any one day and no more than four times in any calendar month shall not be deemed continuous, frequent, or repetitive. • There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D. C.

7. NOISE. The overall noise level attributable to an industrial use shall not exceed 63 decibels at any point on the lot lines of that industry, and the noise level in any octave band above 300 cycles per second shall not exceed 63 decibels at any point on said lot lines. The sound pressure level shall be measured in decibels with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association, Inc., New York, N. Y.

C. INDUSTRIAL WASTE. Compliance required with Ohio Sanitation Code and Ohio Water Pollution Control Board Regulations.

H. VIBRATION. No vibration shall be discernible to the human sense of feeling at the lot line of the operation.

I. GLARE. Heat and glare must be confined to the premises and not visible at any point on any lot line.

J. PARKING AND LOADING. Sufficient parking area and loading apace for all vehicles must be provided off-street.

#### SECTION VIII - PROHIBITED USES

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any "A", "B", "C", or "I" district:

1. Trailers

2. Trailer parks

3. Basement homes

4. Junkyards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes, or for dismantling used vehicles.

5. Dumps or places for the disposal of refuse, sewage or garbage unless operated by or for the Board of Township Trustees and approved by the Ashtabula County Board of Health.

6. No more than two unlicensed vehicles on a lot with in the A" agriculture, "B" residential, "C" commercial, or "I" industrial zoning district.

#### SECTION IX - NON-CONFOMING USES

A. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two or more years, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

B. Any building arranged, intended or designed for a non-conforming use, provided it is done within one year after this resolution takes effect.

C. Any building or structure, existing as non-conforming use at the time this resolution takes effect, which is destroyed by



fire or the elements, may be reconstructed and restored providing the same is done within two years from the date of said destruction and is rebuilt as early as possible to conform with the zoning ordinances within the district in which it is located.

D. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than 25 per cent of the original area providing the alterations or enlargement is toward conformity with the zoning ordinances within the district in which it is located.

E. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

#### SECTION X -OUT DOOR ADVERTISING

##### GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
3. Wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect.
4. No projecting sign shall be erected or maintained from the face of a building a distance of more than two (2) feet.

5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to continuation of the face of the building.

6. No portable or temporary sign shall be placed on the front or face of a building or any premises for longer than 70 days.

7. No sign or part there of shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface.

9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving accesses to any fire escape.

10. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

11. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property bearing no advertising matter shall be permitted on any property.

#### MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area. Signs must be 10 feet from the roadside property line.

#### SIGNS PERMITTED IN ALL DISTRICTS

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area except in all residential districts where the area of the sign shall not be more than six (6) square feet.
2. Professional name plates not to exceed four square feet in area
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.
4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed eighteen (18) square feet in area and which shall be located on the premises of such institution.
5. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business of activity conducted on the premises where such sign is located.
6. An outdoors, off premise, advertising sign or billboard, over 18 square feet must be 20 feet from the road right of way. These shall be deemed a structure and shall require a zoning permit of \$75.00 before being erected, constructed or replaced.
7. Political campaign signs advertising candidates or issues may be permitted for a period not exceeding 70 days.

#### VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained violation of any of the terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee there of to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this section shall be deemed a violation and the sign may be removed at the owners expense by the Zoning Inspector five (5) days after written notice of violation.

SECTION XI - PUBLIC UTILITIES  
AND RAILROADS

This resolution shall not apply to public utilities or railroads.

SECTION XII - MINIMUM LOT AREA

1. Any dwelling or building will be built on a minimum lot area of 4 acres, the minimum road frontage is 300 feet and the setback is 100 feet from the front property line and/or roadside property line, for districts "A", "B", "C" and "I". Unless such lot was designated on a recorded plot or separately owned at the time this resolution took effect can not practically be enlarged to conform with these requirements.
2. No two family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one family on less than 4 acre's of land, 300 feet of road frontage and setback of 100 feet from the front property line and/or roadside property line, in all "A", "B", "C" and "I" districts. Unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with these requirements.
3. In computing lot area, that portion located within the limits of a legal highway shall be included in the computation of the minimum lot area.

SECTION XIII - MINIMUM LOT WIDTH

1. No dwelling shall be erected in "A" District on a lot having a frontage of less than 300 feet on a public thoroughfare, unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practically be enlarged to conform with these requirements.

2. No dwelling shall be erected in a "B" district on a lot having a frontage of less than 300 feet on a public thoroughfare, unless such lot was designated on a recorded plat separately owned at the time this resolution took effect and cannot practically be enlarged to conform with these requirements.

3. A minimum lot width of 300 feet shall be required in a "C" or "I" district in conjunction with "C" and "I" uses. It is necessary to comply with requirements for yard and lot areas or parking facilities.

Section XIV - SET BACK BUILDING LINES

No building or structure or any portion there of, except fences, underground tanks and gasoline pumps, shall be erected within 100 feet of the front property line and/or roadside property line. This shall include all uses in "A" and "B" districts.

No building or structure or any portion there of, except fences, underground tanks and gasoline pumps, shall be erected within 180 feet of the front property line and/or roadside property line. This shall include all uses in "C" and "I".

#### SECTION XV - SIDE YARDS

For every building erected in an "A" or "B" district or for residential use in a "C" or "I" district, there shall be a minimum side lot clearance on each side of said building of not less than 20 feet, which space shall remain open and unoccupied by any building or structure.

For every building erected in a "C" or "I" district for use other than residential, there shall be a minimum side lot clearance on each side of said building of not less than 20 feet, which space shall remain open and unoccupied by any building or structure.

#### SECTION XVI - CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions of Section XIV of this ordinance, with provisions applicable to each street bordering said corner lot.

#### SECTION XVII - REAR YARDS

For every building erected in an "A" or "B" district or for residential use in a "C" or "I" district, there shall be a minimum rear lot clearance at the rear of said building of not less than 20 feet, which space shall remain open and unoccupied by any building or structure.

For every building erected in a "C" or "I" district, for other than residential use, there shall be a minimum rear lot clearance at the rear of such building of not less than 20 feet, which space shall remain open and unoccupied by any building or structure.

SECTION XVIII - MAXIMUM HEIGHT OF BUILDINGS

No dwelling shall be erected in any district to a height in excess of 2 1/2 stories or in excess of 35 feet and no building or structure for business purposes in excess of 35 feet, measured from the natural grade at the building line to the highest point on the roof, except that these provisions do not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.

Any church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulk head, stage tower, scenery loft or other mechanical appurtenances must have a no fall zone. The no fall zone will be a minimum of total height measured from the ground level to the highest point of said structure.

SECTION XIX - PARKING FACILITIES

1. All dwellings and apartment houses shall provide parking space off the road or street and outside of the public right-of-way together with means of ingress and egress thereto, for no less than one motor vehicle per-dwelling unit or apartment. No less than two hundred square feet of area shall be deemed necessary for each such vehicle.

2. All Class C uses shall provide parking space off the road or street outside of the public right-of-way and not more than 300 feet distant from an entrance to said establishment of an area not less than 200 square feet for each 100 square feet of area of the first floor of said establishment which it serves.

3. Every theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainments, and similar activities shall provide off the street or road and outside of the public right-of-way not less than 200 square feet of space suitable for parking automobiles and other vehicles, for every 4 persons to be accommodated. Such parking space shall be within 400 feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.

4. All Class C and I uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, or taking away user goods, materials, supplies, or waste in connection with said business or use. They shall also provide parking space for their employees



SECTION XX - HIGHWAYS

In case of an intersection or curve in the highway, no structure or foliage shall be permitted at a height greater than 3 1/2 feet within 15 feet of the edge of a dedicated highway or within 45 feet of the center of an undedicated highway or road.

SECTION XXI - VALIDITY

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment or supplement thereto is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not effect nor render invalid the resolution or amendments of supplements thereto as a whole or any part thereof except the particular part so declared to be invalid.

SECTION XXII - BOARD OF ZONING APPEALS

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be appointed by the Township Trustees and who shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years beginning January 1, except that the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the

respective unexpired term. The members of the Board of Zoning Appeals shall serve without compensation.

Members shall be removed as provided by Section 519.04 of the Revised Code or by any amendments thereto affecting said removal.

The Township Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of zoning laws or of this resolution or any amendments thereto.

2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above mentioned powers, such board may be in conformity with the provisions of law and this resolution and amendments and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provision of this zoning resolution

and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement or determination as ought to be made, and to that and shall have all powers of the officer from whom the appeal is taken.

The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provision of this zoning resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of the witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or is absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Township Trustees and shall be a public record.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affectably any decision of the administrative officer. Such appeals in writing shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice in writing of appeal specifying the grounds thereof, names and addresses of all adjoining property owners and the remittance of a \$150.00 Zoning Board of Appeals fee. The check/ money order should be made payable to the Morgan Township Trustees, for administrative purposes. The officer from whom the appeal is taken shall forthwith transmit to the Township Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken from.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing on the appeal, give at least ten days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

#### SECTION XXIII - ZONING CERTIFICATE

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector, and such assistants as may be determined necessary, shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, locating, changing the use of, or altering any buildings, including accessory buildings or changing the use of any premises, application shall be made to the Township Zoning Inspector for a Zoning Certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, plans and specification showing the proposed location and dimensions, height of the building and the proposed use, all of which shall be included in the permanent record of the application. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a

zoning certificate if the proposed construction, alteration or change of use by the application complies with the requirements of this resolution and the application is accompanied by the proper fee, or shall refuse the same, if it does not comply.

The following fees shall be paid prior to issuance of zoning certificates. Such fees are for the purpose of defraying the cost of inspection, certification, and the maintenance of necessary records. All permits will expire 24 months after they are issued. A new permit would be required after that time. The 24 month period starts the day the permit is issued.

Residential Dwelling Permit shall be charged on the basis of ten (10) cent per square feet of floor living area, attached garages and porches at the foundation of such building, including original and one compliance inspection. Alteration or Addition to Dwelling \$20. Accessory Building \$20. Commercial Building, same as residential, plus any additional costs incurred. Industrial, same as commercial.

Also any additional inspection made by the Zoning Inspector shall be charged to the applicant at the rate of \$10 per inspection.

This resolution shall not be interpreted as interfering with, abrogating or annulling any ordinances, regulations, resolutions or permits previously adopted or issued by the Morgan Township Trustees except where such ordinances, regulations, resolutions or permits are in conflict with this resolution or amendments hereto; in which event this resolution or amendments hereto shall prevail.

#### SECTION XXIV - AMENDMENTS OR SUPPLEMENTS

The Township Zoning Commission shall meet yearly or at any time upon call by the chairman of said commission and may initiate amendments or supplements to this resolution from time to time. If a zoning board commission member misses more than 3 consecutive meetings, that person will forfeit their seat on the board. After the second missed meeting he/she will be notified by certified mail. Amendments

changed or affected by the proposed amendment or supplement with the township zoning commission. The Board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

Upon the adoption or such motion, or the certification of such resolution or the filing of such application of the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least fifteen days before the date of such hearing.

Written notice of the hearing shall be mailed by the zoning commission, to all owners of property within and contiguous to the area proposed to be reclassified or redistricted, by certified mail fifteen days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

Within five days after the adoption of such motion or the certification of such resolution or the filing of such application the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or 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.

with text and map pertaining thereto the county or regional planning commission, if there is such a commission.

The county or 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 Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty day after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendmnt or supplement, which date shall not be more than thirty days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township, at least fifteen days before the date of such hearing.

Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by certified mail fifteen days before such hearing to the addresses of such owners appearing on the addresses of such owners appearing on the current

tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

Within twenty days after such public hearing the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the Board shall be required.

Such amendment or supplement adopted by the Board shall become affective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote 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 immediate effect.



## PROCEDURES AND REQUIREMENTS FOR APPEALS

### 400 GENERAL.

Appeals and variances shall conform to the procedures and requirements of Sections 401 to 418 inclusive, of this Resolution. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

### 401 APPEALS.

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

### 402 STAY OF PROCEEDINGS.

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

### 410 VARIANCES.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in practical difficulty or unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

411 APPLICATION AND STANDARDS FOR VARIANCES.

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address, and telephone number of applicant(s);
2. Legal description of property;
  - a. Proof of ownership; i.e. copy of deed.
  - b. Name and mailing address of all surrounding property owners
3. Description or nature of variance requested;
4. A fee as established by resolution of \$150.00
5. Narrative statements establishing and substantiating that the facts of the issue for which the variance is sought conform to either of the following standards:

A. PRACTICAL DIFFICULTY

Duncan v. Middlefield, 23 Ohio St.3d 83, 491 N.E.2d 692, standards shall be applied to area variances.

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
4. Whether the variance would adversely affect the delivery of governmental services.
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the problem may be solved by some manner other than the granting of the variance.
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

All other variances shall apply to hardship. See 411 (B)

B. UNNECESSARY HARDSHIP

As used in this zoning resolution, for there to be found that an unnecessary hardship is present and inherent in the land on any property. The strict interpretation and application of these regulations shall unduly burden the property and use thereof.

The hardship claimed shall be directly related to the physical site, and inherently related to the land under consideration.

Anyone claiming unnecessary hardship shall prove that if the regulation or restriction authorized under this zoning resolution as strictly applied, to the property in question, would be unduly oppressive, arbitrary or confiscatory if required on that particular, individual property in question.

Evidence of variances granted under similar circumstances need not be considered.

412 ADDITIONAL CONDITIONS AND SAFEGUARDS.

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

413 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

414 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Before conducting the public hearing required in Section 413, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

415 NOTICE TO PARTIES IN INTEREST.

Before conducting the public hearing required in Section 413, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties, in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 414.

416 ACTION BY BOARD OF ZONING APPEALS.

Within thirty (30) days after the public hearing required in Section 413, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 412, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

417 TERM OF VARIANCE

No order of the Zoning Board Of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

418 AUTHORIZED VARIANCE

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 411, and Section 412, if applicable, have been met by the applicant.

SECTION XXV - ENFORCEMENT

A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or amendment hereto. Any person, firm or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100) for each offense. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed\* maintained or used or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent neighboring property owner who would be especially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandaaua abatement or any other appropriate action, actions, proceedings or prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance of use.

SECTION XXVI - INTERPRETATION

In interpretation, and application, the provisions of this resolution shall be held to the

minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.

BY ORDER OF THE BOARD OF TRUSTEES OF MORGAN TOWNSHIP