

ARTICLE 9

SUPPLEMENTARY DISTRICT REGULATIONS

900 GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

901 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

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.

902 PRINCIPAL BUILDING PER LOT¹

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Resolution, except where allowed in certain districts.² Accessory dwellings are not permitted. Accessory buildings are permissible in rear yards and side yards if setbacks are observed. Accessory buildings are not permitted in front yards. A lot with unique natural characteristics (i.e. river, ravine, creek) on the lot line parallel to the roadway may be deemed a reverse lot by the Zoning Administrator.

903 REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Resolution. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Resolution.

904 CONSTRUCTION IN EASEMENTS

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements,

¹ Section 902 PRINCIPAL BUILDING PER LOT Amended 8/1/02

² Section 902 PRINCIPAL BUILDING PER LOT Amended 10/8/15

no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

905 PARKING AND STORAGE OF VEHICLES AND TRAILERS

1. The parking of a disabled vehicle as defined in Article 2 for a period of more than two (2) weeks shall be prohibited in all districts, unless such a vehicle is stored in an enclosed garage or accessory building.
2. A maximum of one (1) boat over 18 feet in length and two (2) boats less than 18 feet in length and one (1) unoccupied recreational vehicle with current license may be stored in the rear yard or the side yard behind the principle building front foundation line on any residentially zoned property if they are not disabled and meet the requirements of this Resolution for accessory structures.
3. No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except:
 - a. Those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking;
 - b. One commercial vehicle with current license owned by a resident of said property not to exceed two (2) tons in capacity.

906 REQUIRED REFUSE COLLECTION AREAS

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials;
3. Storage areas in residential districts shall utilize such additional screening as required in this Resolution.

907 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents, and to preserve property values.

908 OUTSIDE STORAGE AND REFUSE COLLECTION

1. Neighborhood Commercial, Accommodation Commercial and Educational District³
 - a. The refuse collection areas provided by all non-residential uses in the NC, AC and EC Districts to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator.
 - b. All inventory, materials, equipment and machinery must be kept within buildings. Exceptions to this are:
 - i. Lumber, building supplies, gardening supplies and plants, and agricultural supplies commonly stored in fenced yards connected with allowable uses;
 - ii. Vehicles used in the normal day-to-day operation of the establishment;
 - iii. Yard sales no longer than three days;
 - iv. For Accommodation Commercial only: large machinery and equipment (i.e. tractors, trucks, similar mobile equipment).
2. Industrial/Office Park
 - a. The refuse collection areas provided by all uses in this zone to temporarily store trash, garbage, scrap or other refuse shall be enclosed on three (3) sides by a solid wall or fence of at least four (4) feet in height unless the storage area is within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator;
 - b. All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading areas, accessory fuel storage, attached storage tanks, HVAC units and employee recreational facilities. In addition, the temporary outdoor storage of materials, equipment or vehicles in an orderly manner is permitted in any areas other than in required front, rear or side yards, provided such outdoor storage does not exceed 15 feet in height or occupy more than ten (10) percent of the area of the lot, and is effectively screened from residential uses, as in the case of parking areas.

910 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 8 and in other sections of this Resolution, Sections 911-916 inclusive shall be used for clarification and interpretation.

911 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS

The principal building and its accessory structures located on any corner lot 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.

912 FENCE AND WALL RESTRICTIONS IN FRONT YARDS

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 1/2) feet, and no hedge or other vegetation

³ Section 908 OUTSIDE STORAGE AND REFUSE COLLECTION Amended 10/8/15

shall be permitted which materially impedes vision across such yard between the height of two and a half (2 1/2) feet and ten (10) feet.

913 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.

914 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS

Nonresidential buildings or uses shall not be located nor conducted closer than 60 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Administrator is provided. Such screening shall be a masonry wall or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense plantings of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility as required by Section 917 of this Resolution.

915 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, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

916 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.

917 VISIBILITY AT INTERSECTIONS

On a corner lot at the intersection of two (2) streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines 50 feet from the point of intersection. On a corner lot at the intersection of two (2) alleys, or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2½) and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area

bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, 25 feet from the point of intersection.

920 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Resolution if one (1) or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by firefighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the regulations of the OEPA;
5. Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Administrator without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulation of the OEPA;
10. Conditions or operations which result in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public. If the odors start after operations, the activity shall be removed or modified to remove the odor;
11. Any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographic survey, personal pleasure or associated uses which do not conform with the current Federal Communications Commission's regulations.
12. Discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with OEPA, the Ashtabula County Sanitary Engineer and Ashtabula County Health Department regulations.
13. Dangerous Pets, defined as:
 - a. Predatory – Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.

- b. Nuisance – Predatory or non-native animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the property of the owner.
- c. Nature – Any non-native animal, bird, reptile, fish or insect which if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.
- d. Any animal, reptile, bird, fish, or insect which is trained, confined, restrained, and cared for in a way which demonstrates and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.⁴

921 ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a zoning permit, the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

922 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions, or circumstances existing in violation of Section 920 and 921 of this Resolution shall constitute a violation of this Resolution and be subject to the enforcement procedures contained in Sections 1470-1473 of this Resolution.

930 TEMPORARY USES

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first;
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activities may be permitted within any district for a period of one (1) year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first;
3. Temporary retail sales of plants, flowers, and other farm produce, on lots or parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any individuals or organizations in any commercial district. A zoning permit valid for a period of 90 days shall only be issued two (2) separate times for

⁴ Section 920(13) Added 9/4/97

any particular lot within any 12-month period, and not more than one (1) permit may be issued at the same time for any lot. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site. Temporary permits are not required for sales of agricultural produce on the zone lot on which said produce is grown.

4. Garage sales, which for the purpose of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted.
 - a. Any individual, organization or family may conduct one (1) such sale within any 12-month period upon the property at which he or they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Resolution pertaining to signs and parking are observed;
 - b. Garage sale permits shall only be issued to neighborhood and community organizations two (2) times within any 12-month period for a period not to exceed three (3) consecutive days, so long as the provisions of this Resolution pertaining to signs and parking are observed.

940 SCREENING⁵

“The purpose of landscaping and screening regulations is to:

- (a) To promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping;
- (b) To eliminate or minimize conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots using a suitable combination of setbacks, visual buffers and physical barriers;
- (c) To protect surrounding property values.”

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in the Resolution. **Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 5 of this Resolution. The following provisions shall apply with respect to screening:**

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities;
 - b. An acoustic screen to aid in absorbing or deflecting noise;
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one (1) of the following, or a combination of two (2) or more:
 - a. A solid masonry wall;
 - b. A solidly-constructed decorative fence;
 - c. A louvered fence;
 - d. A dense vegetative planting;

⁵ Section 940 Screening Amended 9/15/22

- e. A landscaped mound.
- 3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall not be greater than two and one half (2½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting;
 - b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5½) feet or greater, or a solidly-constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- 4. If adjacent to R-1 or R-2 district, screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The screen shall run the entire length of the adjacent property line at a minimum of ten (10) feet wide, intending to separate and obstruct the view of two (2) adjacent districts or properties from one another;
- 5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles;
- 6. Maintain screening:
 - a. The owner of the property shall be responsible for the continued property maintenance of all screening materials, and keep them in a proper, neat and orderly appearance, free from signage, refuse, debris, and weeds at all times;
 - b. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first;
 - c. No plant material required by this text can be removed for any reason unless replaced with like kind and size at the time of removal. If replaced with a like kind and size of material, no approvals will be required;
 - d. Any changes to an existing screening plan shall be in compliance with Section 940.
- 7. In NC district, if the residential occupancy is abandoned and the land use changes to a commercial occupancy, as permitted per Resolution in Article 8's Neighborhood Commercial District, screening and buffering shall be in compliance with Section 940. See Section 1401 regarding zoning permit compliance.

950 FENCES

Note, other sections in this Zoning Resolution text take priority over this section. This section also applies to "Fences, Living", see section 2 for definition. Fence heights are measured from the average grade height. All fences shall be made of usual and customarily recognized fencing materials. Underground dog fences are exempt from these regulations.⁶

- 1. Districts R1, R2, RC
 - a. All Fences must be placed a minimum of two (2) feet inside all property lines and two (2) feet behind the road right of way (ROW) line.
 - b. The "Finished" side of the fence must be facing outward.
 - c. Fences in rear yards and side yards may be solid and are limited in height to six (6) feet in height.

⁶ Section 950 Fences Added 8/15/2019

- d. Fences in front yards with (a through visibility of) at least 50% of area are limited in height of 4-1/2 feet.
 - e. Fences in front yards less than 50% through visibility are limited in height to 3-1/2 feet.
 - f. There shall be no barbed wire or electric fences except for agricultural uses as defined in ORC section 519.01.
2. District NC
- a. All Fences must be placed a minimum of two (2) feet inside all property lines and two (2) feet behind the road right of way (ROW) line.
 - b. The “finished” side of the fence must be facing outward.
 - c. Fences in rear yards and side yards may be solid and are limited in height to six (6) feet I height.
 - d. Fences in front yards must have through visibility of 50% or greater and are limited in height to 3 ½ feet. Examples are split rail, picket, wrought iron or chain link.
 - e. There shall be no barbed wire or electric fences except for agricultural uses as defined in ORC section 519.01.
 - f. Terrain cannot be altered to exceed fence height requirement.
3. District AC
- a. All Fences must be placed a minimum of two (2) feet inside all property lines and two (2) feet behind the road right of way (ROW) line.
 - b. The “finished” side of the fence must be facing forward.
 - c. Fences in rear yards and side yards may be solid and are limited in height to six (6) feet in height.
 - d. Fences in front yards must have through visibility of 50% or greater and are limited in height to 3 ½ feet. Examples are split rail, picket, wrought iron or chain link.
 - e. There shall be no barbed wire or electric fences except for agricultural uses as defined in ORC section 519.01.
 - f. Barbwire is only permitted on top of a six (6) foot tall chain link fence in the side and rear yards and must be pointed inward.
4. District IOP
- a. All Fences must be placed a minimum of two (2) feet inside all property lines.
 - b. The “finished” side of the fence must be facing outward.
 - c. Fences in rear yards and side yards may be solid and are limited in height to eight (8) feet in height.
 - d. There shall be no fences in the front yards.
 - e. There shall be no electric fences except for agricultural uses as defined in ORC section 519.01.
 - f. Barbwire is only permitted on top of a six (6) foot tall chain link fence in the side and rear yards and must be pointed inward.
5. District EC: See Article 8 EC District

960 LIGHTING⁷

It is the intent of this Section to preserve and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems shall be designed, constructed, and installed to:

⁷ Section 960 LIGHTING Added 9/15/22

minimize light pollution and negative effects of excessive glare, prevent light trespass, and conserve energy while maintaining safety, security and productivity.

1. All lighting of structures, land areas, and signs shall be full cut-off lighting type fixtures constructed so as to not shine on any adjacent land area (see FULL CUT-OFF LIGHTING);
2. All spot or flood lighting will be shielded or aimed in such a way as to not direct light to trespass onto other residential properties;
3. All outdoor light pole fixtures shall not exceed 35 feet.

970 FLAG LOTS⁸

Flag lots will be discouraged and will only be approved if unique topographic features or other special physical conditions deem its use necessary by the Planning Commission. Flag lots shall be subject to the following regulations:

1. Flag lots shall not be used to avoid the construction of a street.
2. The area of the flag portion of the lot that connects the lot to the public street cannot be included in the calculation of the required minimum lot area for the district where it is located.
3. The access strip shall be thirty (30) feet wide along the entire width of the access strip.
4. No structures, other than allowed walls or fences by this code, shall be permitted in the flag portion of the lot.
5. The stacking of flag lots (panhandle) shall be prohibited (see figure below).
6. The minimum front yard setback for a flag lot (panhandle) as defined by this code will be measured from the rear lot line of the adjacent property and shall be measured no less than 50 feet from the lot line that creates the rear lot line of the adjacent lot as illustrated (see figure below).

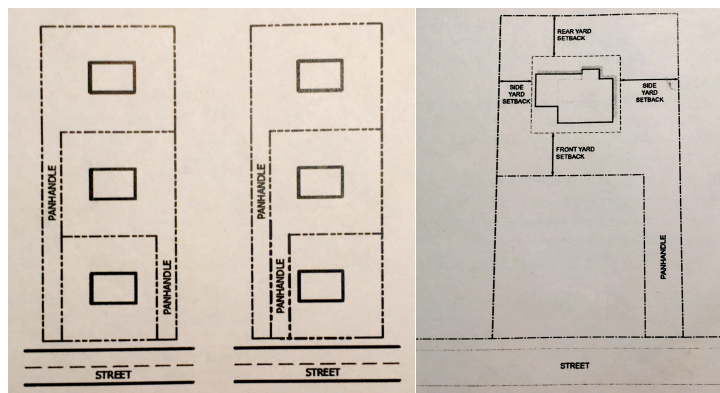


Figure 970: The front, side, and rear lot lines indicate the limits of the buildable portion of the lot.

⁸ Section 970 FLAG LOTS Added 9/15/22