

WESTFIELD TOWNSHIP ZONING RESOLUTION

**MORROW COUNTY RECORDER
DIXIE SHINABERRY**

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FILED FOR RECORD

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WESTFIELD TOWNSHIP ZONING RESOLUTION

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Westfield Township that such zoning resolution is hereby created.

SECTION I, PURPOSE - INTENT

This zoning resolution is adopted to promote the public health, safety, morals, comfort, property and general welfare; to protect and conserve property and property values; to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan.

More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development; and
2. To improve the public safety by locating buildings and uses adjacent to major thoroughfares, so they will cause the least interference with and be damaged least by, traffic movements; and
3. To provide open spaces for light and air, to prevent excessive concentration of the population where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development; and
4. To guide the future development of the township in accordance with a comprehensive plan, and to assure economical extension of public improvements and services.

INTERPRETATION

1. The provisions of this Resolution shall be construed as minimum requirements. They do not prevent other changes in the future.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive, they shall prevail.

SECTION II, DISTRICTS

The township is hereby divided into the following districts:

1. Residential zone which is thereby designated as "R" District.
2. Limited Commercial Zone which is hereby designated as "C" District.

The districts as shown on the map attached hereto are hereby established and said map is made a part hereof.

No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

SECTION III, AGRICULTURE

1. Land in any district may be used for agricultural purposes. For the purposes of this Resolution, "Agriculture" shall include farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

SECTION IV, RESIDENTIAL

There is hereby created a "Residential Zone" which includes all territory not included in the Commercial Zone for Westfield Township, Morrow County, Ohio.

R District (Residential)

The following uses and no others shall be deemed Class "R" uses and permitted in all "R" Districts.

1. Single or two-family dwellings and buildings accessory thereto, but excluding tents,

- cabins, and travel trailers.
2. Tourist homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.
 3. Church, school, college, university, children's home, public library, public museum, community center, fire station, township hall, publicly-owned part, 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 as his private residence providing such use does not involve any extension or modification of such dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution.
 5. Hospital, sanitarium or rest home caring for four or more patients, for other than drug or liquor addicts, contagious diseases, insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet, if abutting on a public thoroughfare, other than an entrance and exit drive.
 6. Roadside stand consisting of a removable structure used only for the display and sale of agricultural products produced on the premises, provided that adequate facilities are maintained for off-the-road right-of-way parking by customers and provided that such stand is removed during the seasons when it is not actually used. Such stand shall be at least twenty (20) feet back from the traveled portion of the road.
 7. Mobile homes may be located in the residential district. When so located said mobile homes shall meet the set back provisions in Sections X, XII, XIII, and XIV.
The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

Temporary Living Space

Temporary living spaces or those spaces used until the main dwelling is occupied (and generally located in basement, garages, or non-structure) such as trailers **SHALL NOT BE PERMITTED IN ANY RESIDENTIAL DISTRICT UNLESS PREVIOUS DWELLING WAS DAMAGED OR DESTROYED BY DISASTER (FIRE, FLOOD, WIND, ETC.....)**

A permit will be granted and a permit fee paid. Such permit not to exceed twelve (12) months, a dwelling, however, may be occupied on or above the ground floor before it is entirely complete, if approved by Township Zoning Inspector.

Temporary housing shall be removed within thirty (30) days of occupation of main dwelling.

Temporary housing must be hooked up to an approved septic system.

SECTION V - LIMITED COMMERCIAL

There is hereby created a "Limited Commercial Zone" in Westfield Township, known as "C" District. The following uses and no others shall be deemed class "C" uses and permitted in all "C" districts:

1. Any use permitted in an "R" District shall be permitted in "C" District.
2. Retail, wholesale, merchandising establishments and such businesses or professional services necessary to the convenience and well-being of the adjacent residential community.

SECTION VI - PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any "R" or "C" districts:

1. Metallic powder works.
2. Chemical plants which could have a by-product polluting the air, land, or water.
3. Crematory.

4. Distilling of bones, fat or glue, glue or gelatin manufacturing.
5. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
6. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor theaters.
8. Race tracks where there is competition and admission charged.
9. Mobile home parks
10. Adults only Entertainment Establishments.

SECTION VII - NON-CONFORMING USES

1. A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.
3. Any building or structure, existing as a 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 (2) years from the date of said destruction.
4. 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.
5. Whenever 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 VIII - OUTDOOR ADVERTISING

For the purposes of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in any "C" district and all lands used for agricultural purposes, subject to the regulations contained in this Resolution:

1. Signs no larger than five (5) square feet in area are permitted in established residential districts when the use of the sign is in direct relation to the premises. Signs in conformity with the above limitations shall not require a zoning permit.
2. An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign, except those motioned in paragraph 1 or this section, shall be placed nearer any street or road than the minimum setback.
4. No outdoor advertising sign more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

SECTION IX - PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities or railroads.

SECTION X - MINIMUM LOT AREA PER FAMILY

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than forty-three thousand five hundred (43,500) square feet of lot area with a minimum width of two hundred (200) feet at building line unless such lot was designated on a recorded plat and separately owned at the time this Resolution took effect and cannot practicably be enlarged.
 - 1A. There will be only one single family dwelling on one recorded lot.
2. No two-family dwelling shall be erected, or building altered, for dwelling purposes to accommodate more than one (1) family on less than forth-three thousand five hundred (43,500) square feet of lot area per family.
3. In computing lot areas, no part of the street or road right-of-way may be included, although many lot owners hold title to one-half of said street or road.
4. In developments providing a sewage treatment facility and public water the minimum square lot footage may be reduced to twenty-one thousand seven hundred fifty (21,750) square feet per lot.
5. No lot shall be more than three (3) times deeper than its width, with the width being the front lot line or that portion which runs along the street, road or highway, which must be at least two-hundred (200) continuous feet along roadway.

SECTION XI - MINIMUM DWELLING SIZES

1. No single-family one-story dwelling shall be erected with less than one thousand one hundred twenty (1120) square feet of gross ground floor area, exclusive of breezeways, porches, terraces, and garages.
2. No single-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
3. No two-family one-story dwelling shall be erected with less than nine hundred (900) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
4. No two-family multiple-story dwelling shall be erected with less than seven hundred (700) square feet of gross ground floor area per family, exclusive of breezeways, porches, terraces, and garages.
5. Should a mobile home be places on a single lot, whether occupied or unoccupied, then it shall comply with the following requirements within ninety (90) days:
 - a. It shall be placed on a minimum of two (2), two (2)-foot-wide, twelve (12)-inch-thick runners the length of the trailer with a six (6) inch gravel base, and adequately tied down by manufacturers's recommendations.
 - b. Wheels and tongue shall be removed.
 - c. Approved skirting shall be placed around the lower perimeter.
 - d. Mobile homes shall be a minimum of one thousand one hundred twenty (1120) square feet in floor area. This cannot be accomplished by adding one or more mobile homes together or by building an addition to a mobile home.
 - e. Any existing mobile home out of compliance at the time of adoption of this resolution when replaced shall meet present regulations upon replacement.

SECTION XII - SETBACK LINES

1. No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within ninety (90) feet of center of any road.
2. Cellular towers shall be setback from any existing residence the distance equal to the height of the

Tower plus 10%. This being measured between the closest point of the residence and Tower.

SECTION XIII - SIDE LOT CLEARANCE

For every building erected in an "R" district, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory building connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All accessory buildings shall be the same.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots; provided, that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

For every building erected in a "C" district there shall be a minimum side lot clearance from and "R" district zone of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

SECTION XIV - REAR LOT CLEARANCE

For every building erected in an "R" district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

For every building erected in a "C" district there shall be a minimum rear lot clearance of at least fifteen (15) feet from any "R" district zone, which space shall remain open and unoccupied by any building or structure.

SECTION XV - CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or highway on which the building faces. The side yard clearance on the side road shall conform to the setback line for an interior lot on said street or road.

SECTION XVI - QUARRYING, MINING, DEVELOPMENT OF NATURAL RESOURCES AND RELATED PROCESSING ACTIVITIES

The regulations under this section are established to protect adjacent areas and to control noises, vibrations, dust and other objectionable influence so as not to endanger the health and safety of adjoining property owners and users, while at the same time permitting the development of natural resources that may be found in the township.

1. The mining or quarrying of rock, sand, gravel, clay and mineral ore deposits, and drilling for oil or gas shall be permitted in all zones in the township subject to the following regulations.
 - a. Application for such operations shall be made to the zoning inspector, showing the proposed location of the operation as well as the proposed location of any structures to be placed thereon.
 - b. The fee for a zoning permit for such operation shall be found on page 18 of this book, which permit shall be valid for one (1) year. Thirty (30) days prior to the expiration of said permit an application for renewal shall be filed with the zoning inspector. If the zoning inspector finds that said operation is in accordance with the original application and this resolution, he shall issue a renewal certificate upon the payment of a fee (see page 18). Said application shall be subject to renewal from year to year so long as the operation continues. In addition to the permit herein required, all other permits provided for by this resolution shall also be required and obtained.
 - c. Upon termination of operations, all equipment and structures shall be removed by the operator within six (6) months after termination and the land therein shall revert to the zone in which it was zoned prior to the issuance of said certificate.
 - d. Land and buildings on the premises described in the application may be used for the following purposes: mining, quarrying, excavating, processing, removal and

- e. stockpile of rock, sand, gravel or clay; rock crushing plants, batching plants, mixing plants for either Portland cement or asphaltic concrete, block or tile plants. All equipment used in such operations shall be maintained, operated and blasting shall be performed, in such a manner as to eliminate vibration, dust or fragments of stone which are injurious or annoying to persons living or working in the vicinity.
- f. Boundaries of property or operations shall be fenced and posted, or open pits shall have a slope of not less than one (1) foot horizontal to one (1) foot vertical. Pits in which production has been completed shall not be used for dumping of rubbish.
- g. Blasting and quarrying operations with the exception of loading out of finished products shall be conducted between six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. except that the Board of Appeals may extend hours of operations when it has been determined to the satisfaction of the board that an emergency requiring extended hours exists. Application for extension of hours shall be by appeal to the Board of Appeals as provided in the Appeals section herein.
- h. Stone products emitting dust, strippings, or soil shall not be stock-pied so as to create an annoyance.
- i. No main or accessory building shall be located nearer than seventy-five (75) feet from a public road.
- j. No excavation shall be permitted nearer than two hundred (200) feet from a public road, or adjacent property line.
- k. No processing, rock crushing plants, batching plants, mixing plants for either Portland cement or asphaltic concrete, or block or tile plants may be located nearer than five hundred (500) feet from an existing residence. Any residence located on the premises of the operation shall not be considered in determining the foregoing.

SECTION XVII - ZONING INSPECTOR AND CERTIFICATES

1. The position of township zoning inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for Zoning Certificates and the action taken thereon.
2. Before constructing any building (excluding buildings incident to agricultural purposes) changing the use of, or altering any building or structure (including accessory buildings or changing the use of any premises), or undertaking any action requiring a zoning permit under this resolution, application shall be made to the Township Zoning Inspector for a zoning certificate. The applicant shall indicate the exact location of the proposed construction and submit a plot plan showing the proposed location and dimensions and the proposed use.
3. A Zoning Certificate shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of application and the Certificate granted thereon.
4. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Certificates.
5. Zoning Certificate fee shall be determined by township trustees and will be listed in the back of this zoning book.

4. For the health, safety, and welfare of the citizens of Westfield Township, no final zoning permit shall be issued until the Zoning Inspector is assured that water and septic or sewer systems are adequate and in compliance with reasonable standards. For the purpose of determining reasonable standards, the State and County laws and regulations shall apply. In order to proceed with any building project, a free temporary zoning permit shall be issued for the purpose of obtaining proper water and septic or sewer permits from the Morrow County Health Department so long as the proposed building or improvement complies with the authorized use within the zone where it is intended to be constructed. Upon obtaining proper water and septic or sewer permits as set forth above, a final zoning permit may be issued so long as all other provisions of this Resolution are met.
5. No permit shall be required for minor alterations, remodeling or repairs on a building, providing that the gross floor area is not enlarged. No permit shall be required for temporary removable structures erected as part of a construction project nor for construction of roads, sewers, service lines, utility lines or driveways.

SECTION XVIII - APPEALS AND HARDSHIPS

Appeals from the action of the Township Zoning Inspector shall be taken as provided by State Law. See Appendix "A".

SECTION XIX - AMENDMENTS AND SUPPLEMENTS

Amendments and supplements to this Township Zoning Resolution and the maps herein referred to shall be accomplished as provided by State Law. See Appendix "B".

SECTION XX - ENFORCEMENT

1. 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 any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined not more than One Hundred (\$100.00) dollars. Each day and every day during which such illegal erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.
2. 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 or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township

Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

SECTION XXI - EFFECT OF INVALIDITY OF ONE SECTION

Should any section or provision of this Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

All Resolutions or parts thereof which are in conflict with the provisions of this Resolution are hereby repealed.

SECTION XXII - EFFECTIVE DATE

This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if

the plan is so approved by a majority of the vote cast on the Resolution.

SECTION XXIII - DEFINITIONS

- A. Intent - The following terms shall have, throughout this text, the meaning given herein:
1. The work "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive;
 2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicated the contrary;
 3. The word "Township" shall mean Westfield Township, Morrow County, Ohio, the term "Commission" shall mean the Zoning Commission of said Township, the term "Board" shall mean the Board of Zoning Appeals of said Township, and the term "Trustee" shall mean the Board of Township Trustees of said Township.
- B. Areas
1. Area of Buildings - the area at the ground level of the main building and all accessory buildings (excluding unenclosed porches, terraces and steps) measured from the outside surface of exterior walls.
 2. Area of Lot - the total horizontal area within the lot boundary lines of a zoning lot.
- C. Buildings and Structures
1. Structure - that which is constructed, located more or less permanently on the ground or attached to something located on the ground.
 - a. Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, decks, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, and walls;
 - b. Excluding trailers and other vehicles whether on wheels or other supports.
 2. Building - a structure which is permanently affixed to the land, has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "or parts thereof".
 3. Main Building - the building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.
 4. Accessory Building - a subordinate building detached from but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.
 5. Building Line - (Synonymous with setback line) - a line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.
- D. Dwellings and Other Living Accommodations
1. Dwelling Unit - space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities - all used by only one (1) family.
 2. Dwelling - a building designed or occupied exclusively for non-transient residential use (including one (1) family, two (2) family, or multi-family buildings).

3. One-Family Dwelling - a building consisting of one (1) dwelling unit only, detached or separated from other dwelling units by open space.
4. Two-Family Dwelling - a building consisting of two (2) dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance(s) including duplex and flats.
5. Rooming House - a building operated by a resident family accommodating for compensation, one (1) to four (4) (inclusive) persons by the week, or for a more extended period of time.
6. Tourist Home - a one (1) family dwelling, operated by a resident family in which only overnight guests are lodged for compensation.
7. Boarding House - a one (1) family dwelling operated by a resident family in which guests are served meals for compensation.

E. Family

Either an individual, two (2) or more persons who live together in one (1) dwelling unit and maintain a common household, related by blood, marriage or adoption.

F. Home Occupations and Professional Offices

1. Home Occupation - a gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in building accessory thereto, only by members of the resident family.
2. Home Office - a secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artist, engineer, lawyer, musician, and physician).

G. Junk or Auto Wrecking Yard

Land used to dismantle more than one (1) motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.

H. Lot

1. Zoning Lot - a single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used and buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record) > Unless the context clearly indicated the contrary, the term lot is used synonymously with zoning lot throughout this Resolution.
2. Corner Lot - a lot abutting on two streets at their intersections, where the interior angle or intersection is not more than 135 degrees.
3. Interior Lot - a lot other than a corner lot or through lot.
4. Front Lot Line - the lot line separating an interior lot from the street upon which it abuts: or the shortest lot line of a corner lot which abuts a street.
5. Lot Depth - the mean horizontal distance of a lot measured between the front and rear lot lines.
6. Lot Width - the horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line.

I. Non-conforming Building and Use.

1. Non-conforming Building - a building existing lawfully at the time this Resolution, or an amendment thereto, become effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Non-conforming Use - the use of a building or land existing lawfully at the time

this Resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.

J. **Roadside Stand** A removable structure used only, or intended to be used, only for the sale of seasonal agricultural products produced on the premises.

K. **Signs**

1. **Sign** - a structure or part thereof, or any devices attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.
2. **Business Sign** - a sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. **Real Estate Sign** - a "For Sale" or "For Rent" sign relating to and located on the zoning lot.
4. **Outdoor Advertising Sign** - a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including a billboard).

L. **Street**

An existing public way shown upon a plat heretofore and approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

M. **"Manufactured Home"** means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 442 U.S.C.A. 5401, 5403, and has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

N. **Use**

1. **Use** - any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. **Main Use** - the principal purpose or activity of a building, other structure or zoning lot.
3. **Accessory Use** - a use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

O. **Variance**

A modification of this Resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.

P. **Yards**

1. **Yard** - that portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. **Front Yard** - the yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. **Rear Yard** - the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.
4. **Side Yard** - the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.

5. Required Yard - the minimum yard required between a lot line and a line for a building, to comply with the regulations of the district in which the zoning lot is located.
- Q. Agriculture
The use of land for farming, including dairying, pasturage, horticulture, viticulture, animal and poultry husbandry. Use shall be classified as agriculture only if it is the principal or main use of the land.
- R. Zone or District
Where either the word "zone" or "District" is used in this resolution, they shall be considered synonymous and are used interchangeably.
- S. Adult Entertainment
1. Adults Only Entertainment Establishment
An establishments which features services which constitute adult services which constitute adult material on which features exhibitions of: persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.
 2. Adults Only Material
Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

SECTION XXIV - ADOPTION

This zoning Resolution, upon hearing this 14 day of August 1989, is hereby adopted by the Board of Trustees of Westfield Township, Morrow County, Ohio, pursuant to Ohio Revised Code 519.09 and 519.11. This Board of Township Trustees hereby determines that the question of the proposed plan of zoning shall be submitted to the electors residing in the unincorporated area of Westfield Township for their approval at the next General Election, which election shall occur on the 7th day of November, 1989.

Be it Further Resolved that the Clerk of this Board shall forthwith file with the Board of Elections of Morrow county, Ohio, this resolution for purposes of submission to the electorate as aforesaid.

This resolution shall take effect and be in force upon certification by the Board of Elections that said plan is approved at the election to be held Nov. 7th 1989 all in accordance with Ohio Revised Code 519.11.

Approved and Passed by

BOARD OF TRUSTEES
OF WESTFIELD TOWNSHIP,
MORROW COUNTY, Ohio
August 14, 1989

Gaelon Ruggles *Gaelon Ruggles* yes
Gaelon Ruggles

Harold C. Clase *Harold C. Clase* yes
Harold C. Clase

Thomas L. Crump *Thomas L. Crump* (No)
Thomas L. Crump

ATTEST:

Lydia J. Foyst *Lydia J. Foyst* Clerk
Lydia J. Foyst - Clerk

Section XXIII-Page 25 - Definitions

Add Article S. - Adult Entertainment

1. Adults Only Entertainment Establishment

An establishment which features services which constitute adult services which constitute adult material on which features exhibitions of: persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

2. Adults Only Material

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

RECEIVED

JUN 5 1 10 PM '96

MORROW COUNTY
OHIO
ELEANOR A. SMITH
RECORDER

1800

210150

Proposed Amendments to Westfield Township Zoning Resolutions

Page 9 - Section X Item No. 5

5. No lot shall be more than three (3) times deeper than its width the width being the front lot line, or that portion which runs along the street, road or highway.

(Proposed change insert a comma after the line and omit the word or) The undedrlined portion represents proposed changes.

RECEIVED

AUG 12 2 04 PM '94

MORROW COUNTY
OHIO
ELEANOR A. SMITH
RECORDER

1400

Page 9 - Section XI Item No. 5

5. should a mobile home be placed on a single lot, whether occupied or unoccupied, then it shall comply with the following requirements within ninety (90) days after delivery:

(Wording underlined is the proposed Amendment in this section.)

I

CHANGES TO WESTFIELD TWP ZONING RESOLUTION

P.9 - SECTION 11, ARTICLE 5

Insert "whether occupied or unoccupied" after the word "lot".

P.15 - SECTION 17, ARTICLE 5

"For any of the above, which are started prior to receiving the Zoning Certificate, the fees will automatically be double the above stated fees."

P.15 - SECTION 17, Paragraph 4:

Insert "excluding late application" after the word "fee".

P.19 - SECTION 23 - C -1A

Insert the word "decks" after the word "platforms".

RECEIVED

Aug 6 10 23 AM 1993

**NORROW COUNTY
OHIO
ELEANOR A. SMITH
RECORDER**

14/00

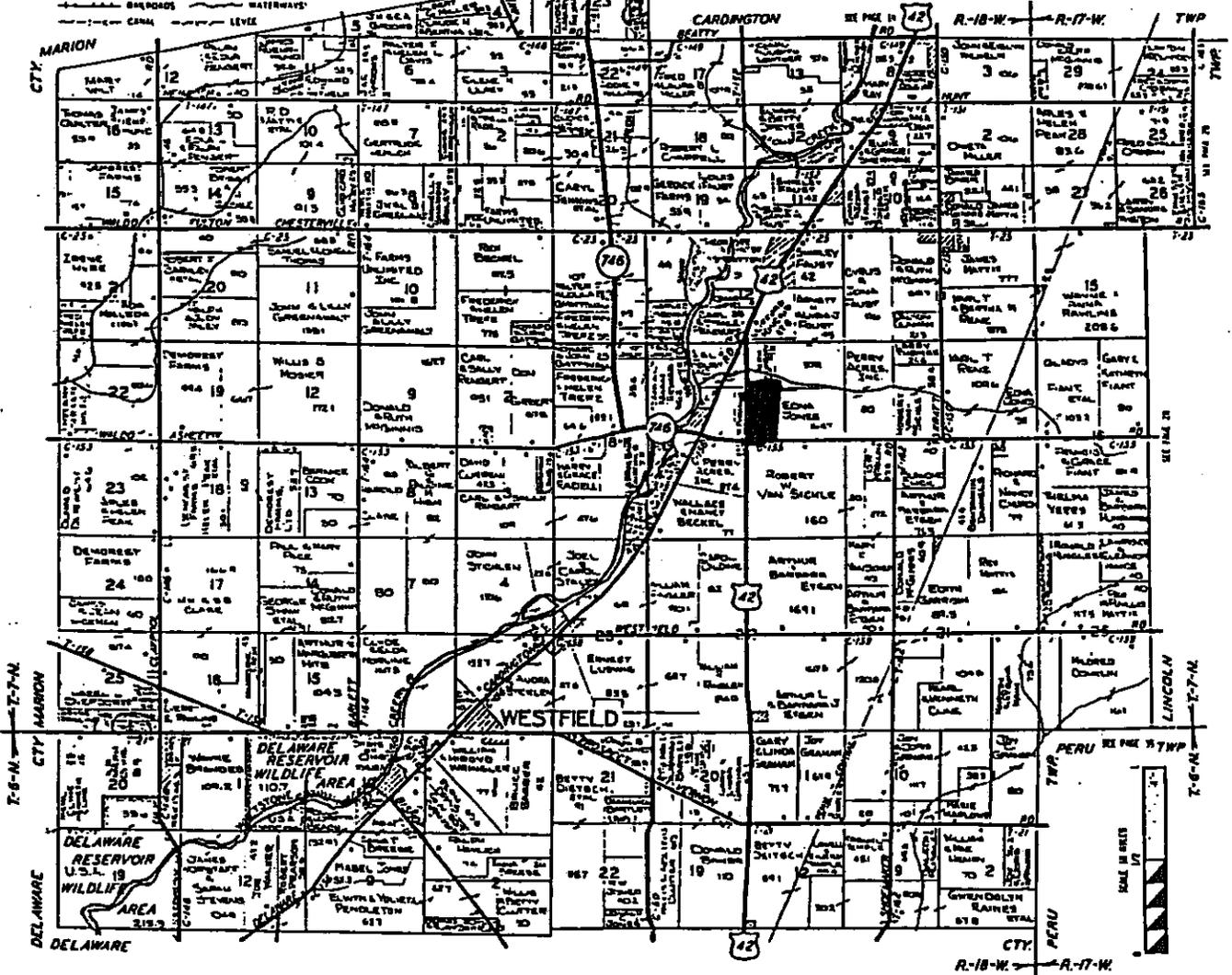
TOWNSHIP 08-T-M. RANGE 17-R-W

WESTFIELD

LEGEND

- FEDERAL STATE or INTERSTATE HIGHWAYS
- COUNTY or TOWNSHIP ROADS
- RAILROADS
- WATERWAYS
- CANAL
- LEVEE

- CONCRETE
- UNPAVED CITY WALK or DRIVEWAY
- SMALL TRACTS
- SUBDIVISIONS
- SHEDDING or FARM LOT



APPENDIX "A"

This appendix sets forth the Ohio Revised Code procedure for amending and supplementing this resolution and the maps therein mentioned as said Ohio Revised Code was in force at the time of the adoption of this resolution. **Ohio Revised Code 519.12 - Amendments or supplements to zoning resolution; procedure; referendum.**

Amendments or supplements to the zoning resolution may be initiated by motion of the township rural zoning commission, by the passage of a resolution therefore by the board of township trustees or by the filing of an application therefore by one or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning commission. The Board of township trustees may require that the owner or lessee of property filing an application to amend or supplement the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The board of township trustees shall upon the passage of such resolution certify it to the township zoning commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the township zoning commission shall set a date for 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.

If the proposed amendment or supplement intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the board of county commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and to the board of township trustees as the case may be.

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 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 days 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 amendment 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.

The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty days after such public hearing the board shall either adopt or deny the recommendation 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 effective 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 un-incorporated 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.

Ohio Revised Code 519/121 - Ratification of amendments to township zoning plan.

All amendments or supplements to a township zoning plan adopted by a board of township trustees prior to the effective date of this act, except those amendments or supplements which a court of competent jurisdiction has declared unlawful or unreasonable or which are the subject of an action now pending in such a court, are hereby ratified and shall be valid amendments or supplements to such zoning plan regardless of the procedure followed with respect to such amendments or supplements prior to their adoption by a board of township trustees, except that no right of appeal on the issue of the unlawful or unreasonable character of an amendment or supplement shall be lost by the provisions of this section.

APPENDIX "B"

This appendix sets forth the Ohio Revised Code procedure for appeals from the action of the township zoning inspector as said Ohio Revised Code was in force at the time of the adoption of this resolution.

Ohio Revised Code 519.13 - Township board of zoning appeals; compensation and expenses.

In any township which adopts zoning regulations the board of township trustees shall appoint a township board of zoning appeals of five members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all 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. Members shall be removable for the same causes and in the same manner as provided by section 519.04 of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide.

The board of zoning appeals may within the limits of the money's appropriated by the board of township trustees for the purpose, employ such executives, professional, technical, and other assistants as it deems necessary.

Ohio Revised Code 519.14 - Powers of township board of zoning appeals.

The township board of zoning appeals shall have the following powers:

(A) 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 sections 519.02 to 519.25, inclusive, of the Revised Code, or of any resolution adopted pursuant thereto;

(B) To authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;

(C) To grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution.

In exercising the above-mentioned powers, such board may, in conformity with such sections reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make

such order, requirement, decision, or determination as out to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

Ohio Revised Code 519.15 - Rules, organization and meetings of zoning appeals board.

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

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing, with the officer from whom the appeal is taken and with the board of zoning appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

The board of zoning appeals shall fix a reasonable time for the public hearing of 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.

FEES

NOTE: Zoning Inspector has 10 business days to review and stamp plats on behalf of the Westfield Township Trustees, the fee for which is \$25.00.

Application for Zoning Certificate shall be accompanied by the following fee:

Alteration or new construction of an accessory building, Two (\$2.00) dollars per One Thousand (\$1,000.00) dollar valuation, not less than \$50.00.

New construction of dwellings designed for occupancy by no more than two (2) families, Two (\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$100.00.

Alteration of dwellings designed for occupancy by no more than two (2) families, Two(\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$100.00.

Alteration or new construction of a Deck, Two (\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$25.00.

Alteration or new construction of a Commercial Building, Two (\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$100.00.

Application for a Zoning Certificate for a Manufactured Home shall be accompanied by a fee of Two (\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$100.00.

Application for a Mining Certificate shall be accompanied by a fee of Five Hundred (\$500.00) dollars the first year, with a renewal certificate fee of \$250.

Application for a Cell Tower Certificate shall be accompanied by a one time fee of Five Hundred (\$500.00) dollars.

For any of the above which are started prior to receiving the Zoning Certificate, the fees will automatically be double the above stated fees.

Modification of a previously issued Zoning Certificate, Two (\$2.00) dollars per One Thousand (\$1000.00) dollars valuation, not less than \$50.00.

Zoning Commission

Gary Graham, Chairman

Joel Staley

James Grooms

Junior Heimlich

Rex Beckel, Secretary

Zoning Appeals Board

Ronald Ruggles, Chairman

Richard McGinnis, Secretary

Kathy Piatt

Mark Clements

Russell E. Knauber

Township Trustees

Kenneth Cline (614) 747-2125

Robert Davis (419) 864-4191

Rosalie Wornstaff (614) 747-2549

Dean Bartlett, Clerk (614) 747-2377

Harold W. Clase, Zoning Inspector, (614) 747-2823