

ARTICLE 1

TITLE, INTERPRETATION, AND ENACTMENT

Rev: 8/21/25 - Yellow highlighted is from Jake Brand, Ashtabula County Planning Commission

SECTION 100: TITLE

This Resolution shall be known and may be cited as the “Zoning Resolution of Sheffield Township” and hereinafter referred to as the “Township”.

SECTION 101: LAND USE POLICY STATEMENTS

Overall Goal: To promote a community that is **agricultural and** residential in character with a rural and historical identity balanced by a strong local economy that supports essential services **such as housing, jobs, and any economic growth.-**

1. SUBGOAL: To maintain residential (single family, duplex or multi-family or all types) character by:
 - a. Promoting an adequate supply of quality housing units for all families and individuals within an adequate range of geographic locations, price levels, and basic community services, facilities, and amenities. **Adequate housing requirements under international human rights law include: security of tenure, availability of services, materials, and infrastructure, affordability, accessibility, habitability, appropriate location, and cultural adequacy.**
 - b. Establishing distinct commercial and industrial zones that will not encroach physically or visually on the rural economic base, rural beauty, identity, and aesthetic qualities of Sheffield Township.
2. SUBGOAL: To maintain and strengthen rural and historical identity by:
 - a. Preserving rural character and beauty.
 1. Conserve and maintain agricultural land use base.
 2. Limit premature, scattered development into agricultural areas.
 3. Encourage innovation in neighborhood development which will result in an improved living environment, ~~i.e.i.e.,~~ neighborhood parks, ~~recreation~~**recreation**, and open space.
 4. ~~Protect unique natural areas from development, particularly where they have been identified by the Department of Natural Resources or other professional organizations.~~
 - b. Preserving the historical heritage of the Township.
 1. Promote single family housing in the older, historical parts of the Township.
 2. Implement regulations for commercial uses in historic buildings that will promote historical character while providing best compliance to modern commercial needs.
 3. Determine availability of programs for the Township to actively encourage historic preservation.
3. SUBGOAL: To stimulate and encourage continued and future economic growth and development which is compatible within various land uses by Sheffield Township.
 - a. Strengthening viability of existing Industrial/Office Park District.
 1. Encourage existing and new industry to build in I/OP District which ensures sound development supported by adequate public facilities and services.
 2. Limit scattered non-conforming industrial uses.
 - b. Encouraging growth of commercial enterprises associated with interstate travel near the I-90 interchange that will take advantage of traffic without altering identity of the Township.
 - c. Limiting, where possible, strip commercial uses along major non-thoroughfares.
 - d. Redeveloping and revitalizing existing town center in order to maintain a viable commercial core and community identity.
 1. Allow for mixed single family residential and commercial uses.

2. Provide for more effective use and development of the old, established commercial center.
3. Encourage a higher standard of design and appeal for commercial centers to improve their marketability as well as the overall community appearance.
- e. Limiting scattered non-conforming commercial uses. (Ref.Sec.3)
- f. Developing additional open spaces and recreational facilities where possible.
- g. Encouraging adequate maintenance of all residential, commercial, industrial, and recreational property to keep neighborhoods blight free and provide a suitable living, working, and recreational environment for all citizens of the Township.

II. PURPOSE

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Township; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of the Resolution, including the provision of penalties for ~~its~~ violation; and for any other purpose provided in the Resolution, ~~of~~ the Ohio Revised Code, or under common law rulings.

Ohio Revised Code ORC 519.02 is a section of the Ohio Revised Code that states that the board of township trustees may regulate the location, size, and use of buildings and lands in unincorporated territory. The section is concerned with the public health and safety. ORC 519.02 explicitly states the purpose and limitations of township zoning authority, ensuring consistency with state-level regulations.

Section 519.21 | Powers not conferred on township zoning commission by chapter..

- (A) Except as otherwise provided in divisions (B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.
- (B) A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:
 - (1) Agriculture on lots of one (1) acre or less;
 - (2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: set back building lines; height; and size;
 - (3) Dairying and animal and poultry husbandry on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five per cent (35%) of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.

Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

- (1) A farm market where fifty per cent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.
- (2) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in section 5713.30 of the Revised Code.
- (3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten (17,600,710) British thermal units, five (5) megawatts, or both.
- (4) Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vining and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this section.

(D) Nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.

(D)(1) As used in division (C)(3) of this section, "biologically derived methane gas" has the same meaning as in section 5713.30 of the Revised Code.

(2) As used in division (C)(4) of this section, "agritourism" has the same meaning as in section 901.80 of the Revised Code.

SECTION 110: -PROVISIONS OF RESOLUTION DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 120: -SEPARABILITY CLAUSE

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part of declared to be unconstitutional or invalid.

SECTION 130: -REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions or parts of Resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

SECTION 131: CONFLICT RESOLUTION

Except as otherwise provided in this section, in the interest of the public health and safety, the board of township trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township.

Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the township. For all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1513. or 1514. of the Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety. A zoning resolution authorized under this section shall provide for the activities that are permitted and regulated under Chapter 1514. of the Revised Code, and any related processing activities, as either a permitted use or a conditional use through the board of zoning appeals in any district or zone when such activities are to be added to an existing permit issued under Chapter 1514. of the Revised Code.

A board of township trustees that pursuant to this chapter regulates adult entertainment establishments, as defined in section 2907.39 of the Revised Code, may modify its administrative zoning procedures with regard to adult entertainment establishments as the board determines necessary to ensure that the procedures comply with all applicable constitutional requirements.

SECTION 140: -EFFECTIVE DATE

This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.