

PERRY TOWNSHIP ZONING ORDINANCE

COLUMBIANA COUNTY, OHIO

Approved by the Electorate on November 8, 1960

As Amended through December 22, 1997

With Draft Amendments through October 19, 2020,

*as initiated for adoption by the Perry Township Zoning Commission on February 20, 2020 and
thereafter amended.*

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RESOLUTION

A RESOLUTION OF THE TOWNSHIP OF PERRY, COUNTY OF COLUMBIANA, AND STATE OF OHIO, TO REGULATE AND RESTRICT THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS, AND OTHER STRUCTURES, THE USE OF LAND IN THE TOWNSHIP OF PERRY AND FOR SAID PURPOSES, DIVIDING THE TOWNSHIP INTO DISTRICTS

WHEREAS, the voters of Perry Township, Columbiana County, Ohio approved the Township Zoning Resolution in a General Election on November 8, 1960, in accordance with Ohio Revised Code §519; and

WHEREAS, the Trustees of the Township of Perry, County of Columbiana, and State of Ohio, pursuant to the Ohio Revised Code, Section 519.02, deem it necessary for the promotion of public health, safety, comfort and general welfare to regulate in Perry Township, use, size, and location of buildings and other structures, size and location of yards and other open spaces in relation to buildings, the use of land, and to establish districts to accomplish these purposes, all in accordance with a comprehensive plan; and

WHEREAS, five (5) persons have been duly appointed by the Board of Trustees of Perry Township to serve as a Zoning Commission for said Township; and

WHEREAS, said Zoning Commission has recommended revisions to the Perry Township Zoning Resolution on _____ and has submitted such amendments to the Board of Trustees of Perry Township under authority and in accordance with the provisions of §519.12 of the Ohio Revised Code, including recommendation by the Columbiana County Regional Planning Commission dated _____.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF PERRY TOWNSHIP, COLUMBIANA COUNTY, STATE OF OHIO, hereby adopt the revised Zoning Resolution on _____ under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective _____; and

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Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with provisions are hereby repealed to the extent necessary to give the Zoning Resolution full force and effect.

Adopted this _____ day of _____, 2020

Attest: _____, Fiscal Officer
PERRY TOWNSHIP BOARD OF TRUSTEES
Perry Township, Columbiana County, Ohio

Effective as of this _____ day of _____, 2020

SECTION I. PREAMBLE

- A) Title – These Regulations shall be known and may be cited as the “Zoning Resolution of the Township of Perry.”
- B) Authority – The Zoning Resolution of the Township of Perry is enacted to promoting public health, safety and general welfare; to conserve and protect property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan and the provisions of Chapters 519.01 – 519.99 of the Ohio Revised Code.
- C) Regulation by Omission – Any land use, types of construction, use of buildings etc., not specifically mentioned in this resolution shall not be allowed.
- D) Requirements as Minimums – In their interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, and general welfare. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rule or regulation, other than zoning regulations, adopted or issued pursuant to law relating the construction and use of buildings or premises. Where the zoning resolution imposes a greater restriction upon the use of buildings or premises or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants, deed restrictions or agreements, the provisions herein shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed herein.
- E) Separability – If, for any reason, any clause, sentence, paragraph, section or any other part of this Resolution shall be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Resolution but shall be confined in its operation to the clause, sentence, paragraph, section, or other part of this Resolution directly involved in the controversy in which such judgement shall have been rendered.
- F) Validity – Each section, subsection, provision, requirement, regulation or restriction established herein or any amendment thereto, is hereby declared to be independent, and the holding of any cause to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid the Zoning Resolution or amendments or supplements thereto as a whole or any other part thereof except the particular part so declared to be invalid.
- G) Relief – Nothing in the Zoning Resolution shall be interpreted to prevent any individual from seeking relief from the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code.

SECTION II. DEFINITIONS

For purposes of this Resolution, certain terms or words used herein shall be construed or defined as follows:

Words used in the Zoning Resolution shall have their customary meanings as defined in Webster's New World Dictionary most recent published edition, except those specifically defined herein.

Words used in the present tense include the future tense.

The word "shall" is mandatory.

The singular number includes the plural and the plural includes the singular.

The word "person" includes a corporation, firm, partnership, or association of persons, as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, constructed, altered, converted, or designed to be used or occupied."

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the main building, and which is located on the same lot or parcel of land.

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal building.

Alley: A public thoroughfare having a right-of-way width of twenty (20) feet or less regardless of how named.

Allowable Building Area: The area of- a lot outside of which no principal building or structure may be located, except as otherwise provided herein.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or in moving. from one location or position to another.

Boarding House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire, with or without meals. A rooming house or furnished room house shall be deemed a boarding house.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals. or chattels.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. The face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Buffer Zone: A perimeter area created between the property lines and setback lines, properly landscaped with grass, evergreen ground cover, or other generally acceptable landscaping.

Camp Site: A dedicated area set aside for camping and for which a user fee is charged.

Carport: A covered automobile parking space, not completely enclosed by walls or doors. A carport shall be subject to all provisions prescribed in these resolutions for a private garage or accessory building.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in this Resolution.

Construction: Any excavating, grading, erection, or moving of materials, equipment or buildings on site in preparation for construction shall constitute construction.

Discarded Motor Vehicle: Any motor vehicle or accessory thereof, that is in the process of being wrecked, dismantled, or stored and that does not have a current, valid motor vehicle license attached.

Driveway: A continuous hard surfaced pavement access route that leads from a public thoroughfare to a garage or private parking area. If the public thoroughfare is a class "A" curbed street, the driveway must be of concrete, asphalt or brick surface.

Dwelling: A building designed or used exclusively as the living quarters for one or more families.

Dwelling Unit: A dwelling or portion thereof providing complete living facilities for one family.

Dwelling, One Family: A detached building designed for, or occupied exclusively by one (1) family.

Dwelling, Two Family: A building designed for, or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multiple: Any building under a single roof, with or without firewall partitions, designed for occupancy by or occupied by three (3) or more households, living as families.

Family: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit.

Family Home or Group Home: A residential facility providing room and board, personal care, rehabilitation services, and supervision in a family setting for not more than eight (8) persons with mental, physical; or developmental disabilities. See O.R.C. 4123.19 (a)(3).

Garage, Private: A garage used for storage purposes only, for automobiles used by members of the family or families housed in the building to which the garage is accessory.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

Home Occupation: An occupation for gain or support conducted by a person residing on the premises, within the dwelling or other permitted accessory building, provided that no article is sold or offered for sale except such as is produced on such premises.

Hotel: A building containing rooms provided for five (5) or more guests which are used, rented, or hired out for sleeping purposes, and where only a general kitchen and dining room are provided within the building or in an accessory building.

Junk Yard: Any concentration of three (3) or more used motor vehicles not displaying current motor vehicle license, parked or stored primarily for the purpose of collecting worn out inoperative parts, dismantling and selling some; or the collection and storage of other old machinery and various types of metal.

Kennel, Dog: An establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code. Such is considered an agricultural activity, if properly licensed. Unlicensed kennels are prohibited anywhere in the Township.

Line, Street: The dividing line between the street and abutting property.

Livable Floor Area: The sum of net areas customarily used as living space. This area shall not include a basement, garage, open porch, deck, and/or uncovered steps.

Lot: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same.

Lot Area: Computed area contained within lot lines. Where the lot has been conveyed to the center of the street, the area of the lot lying between the centerline and established street right-of-way shall not be included as part of the area for the purpose of this Resolution.

Lot, Corner: A lot fronting on two (2) private or public streets at their intersection.

Lot, Depth of: The average horizontal distance between the front and rear lot lines, measured generally parallel with the side lot lines.

Lot, Width of: The width measured at the right angles to its depth at the building line.

Lot, Frontage of: The width measured along the street right-of-way boundary line upon which the lot fronts.

Lot, Lines: A boundary line dividing one lot from another.

Manufactured home: Any non-self-propelled structure, manufactured off site, and transported to the site, in one or more sections, provided that its construction has been certified by the U.S. Department of Housing and Urban Development (HUD) to meet or exceed the requirements of the National Manufactured Homes and Safety Act of 1974, with amendments (42 USCA Section 5401 et seq).

Mobile Home: Any non-self-propelled structure transportable in one or more sections which, when erected on a site has six hundred (600) or more square feet in livable square floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Motor Home: Any self-propelled motor vehicle, readily moveable, with a basic purpose of providing temporary housing at various locations.

Mobile Home Lot: The portion of a Mobile Home Park designated for the use or occupancy of one mobile home.

Mobile Home/Manufactured Home Park: A tract of land open to the general public upon which spaces for trailers, mobile homes, or manufactured homes are provided for a consideration, whether for overnight, by the day, the week, the month or longer period.

Modular Homes: See manufactured home.

Motel: A building with or without party walls, or any group of buildings, used primarily for sheltering of transients and permanent dwellers, and any accessory ones, such as feeding, parking, setting of soft drinks and notions.

Non-Conforming Units: A use of building or land that does not agree with the regulations of the use district in which it is located.

Open Space: An unoccupied space open to the sky on the same lot with a building.

Parking Spaces: They are required for parking one automobile, which in this Resolution is held to be an area ten (10) feet wide and twenty (20) feet long, which does not include access space.

Plot: A map, plan, or layout of a city, town, section or subdivision, indicating the location and boundaries of individual properties, same having been officially recorded.

Recreational Vehicle means and includes: (a) "travel trailer" which is a vehicular, portable structure built on chassis, designed for use as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturers; (b) a "pick-up camper" which is a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as temporary dwelling for travel, recreational and vacation use; (c) a "motorized home" which is a portable dwelling designed and constituted as an integral part of a self-propelled vehicle, and (d) a "fold-tent trailer" which is a canvas folding structure mounted on wheels and designed for travel and vacation use.

Refuse: Discarded or waste materials such as: dirt, ashes, masonry, tin cans, bottles, wood, paper, and other similar items which do not, however, contain garbage or foodstuff in any forms.

Satellite Earth Station: A dish-shaped antenna designed to receive broadcast signals from earth orbiting communication satellites.

Setback: The minimum horizontal distance between the street line and the front line of the building, as defined herein.

Signs: AH outdoor displays and their structures of any size that are built, fabricated, and used by any person or persons, firm or corporation for the attraction of the public on any subject whatsoever.

Street: A public thoroughfare.

Structure: A structure is any form of construction built for other than dwelling purposes.

Swimming Pools: A pool or open tank or rubber, plastic, cement, asphalt, wood, or similar materials containing at least one and one-half (1.5) feet of water at any point and maintained by a property owner or manager. A private swimming pool is exclusively used by admission by the residents and guests of a single household, multi-family structure, hotel, motel, guest house, community facility or club, or patron to any other establishment.

Tourist Home: A dwelling in which overnight accommodations are provided or offered for not more than ten (10) transient guests in a maximum of four (4) bedrooms for compensation.

Trailer: Any vehicle or structure used as a conveyance on highways and streets drawn by automotive power.

Yard, Front: An open space on the same lot with a principal building, extending the full width of the lot and situated between the street line and front line of the building projected to the side lines of the lot.

Yard, Rear: An open space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot.

Yard, Side: An open, unoccupied space on a lot occupied by a building extending for the full length of the building between and side lot line.

SECTION III. ESTABLISHMENT OF DISTRICTS

- A) The unincorporated territory of Perry Township, Columbiana County, Ohio, is hereby divided into zoning districts, where all resolutions, regulations, and amendments are uniform in application to all buildings, structures or uses. Land area within Perry Township is divided into the following districts:
- 1) Agricultural District
 - 2) Residence R-1 District
 - 3) Residence R-1a District
 - 4) Residence R-2 District
 - 5) Residence R-3 District
 - 6) Mobile Home/Manufactured Home District
 - 7) Business/Commercial District
 - 8) Light Industrial District
 - 9) Heavy Industrial District
 - 10) PUD District
- B) District boundaries are defined on a map entitled "Zoning Map of Perry Township," and hereby declared to be a part of this Resolution. Zoning Map notations, references, and other matters shown thereon are hereby declared a part of this Resolution.
- C) When changes are made in district boundaries or other matter portrayed on the Zoning Map of Perry Township, they shall be entered on the Map on the effective date of the Amendment.
- D) Interpretation of the Zoning Map shall be at the discretion of the Zoning Inspector. Where uncertainty exists with respect to district boundaries on the Zoning Map, the following rules shall apply:
- 1) Where a district boundary line is shown to approximately follow a lot line shall be construed to be the district boundary line.
 - 2) Where a district boundary line is shown on the Zoning Map to approximately parallel the centerline or street line of a street or the centerline or right-of-way line of highway such district boundary line shall be construed as being paralleled thereto.
 - 3) If no measurements are shown on the Zoning Map, measures shall be determined by the use of the scale shown on the Map.
 - 4) Lots in Two Districts – Where a district boundary line divides a lot fronting on a public street, in ownership of record at the time such line is adopted, the regulations of the district wherein the front portion is located may extend not more than fifty (50) feet into the adjacent district wherein the rear portion is located.
 - 5) When the boundary line of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the high-water line.
 - 6) Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, the depth of residential and- the depth of business districts fronting on streets or highways is established, for the purpose of this Resolution, at three hundred (300) feet and five hundred (500) feet respectively.
 - 7) Whenever any street or public way is vacated as authorized by law, Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall hereafter be subjected to all resolutions of the extended districts.

SECTION IV. APPLICATION OF REGULATIONS

- A) **Required Compliance** – Buildings or land shall thereafter be used or occupied in conformance with the provisions of this Resolution. Any building hereafter erected; used, occupied, altered, restored or reconstructed shall comply with this Resolution in regards to the number of families accommodated, area of lot occupied, size of front, rear and side yards. Any part of a yard or other open space required around any building for the purpose of complying with the provisions of this Resolution, shall not be included as a part of a yard or other open space similarly required for another building.
- B) **Permit Required** – Any building or structure or part thereof erected, moved, altered, restored, changed use, or reconstructed shall require prior issuance of a zoning permit by the Zoning Inspector certifying its use, type and location are in conformance with the regulations herein specified for the district in which it is located.
- C) **District Standards** – Whenever a district boundary line is changed by Amendment to this Resolution so as to transfer an area from one district to another district of a different classification, the regulations for the district to which the area is transferred shall apply to all buildings, structures, and uses in the area so transferred.
- D) **Exemptions** – Structures and land uses shall be compliant with the regulations of the Zoning Resolution with the following exceptions and no zoning permit shall be required for structures incidental for such use(s):
 - 1) **Agricultural activity and structures** shall be exempt from zoning regulations on properties consisting of five (5) acres or more. Agricultural activities and structures are otherwise hereby regulated on properties of less than five (5) acres, as permitted by law:
 - a) No noxious, dangerous, or offensive agricultural use shall be permitted, by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration, and providing any such use does not constitute an annoyance to the surrounding property owners;
 - b) Agricultural structures shall meet required setbacks and no animals, except household pets, shall be kept in a building located less than fifty (50) feet from any neighboring lot line or road; and
 - c) Land in a platted subdivision or no-plat subdivision with fifteen (15) or more contiguous lots consisting of less than five (5) acres shall not have animal husbandry (cattle, pigs, chickens, sheep, horses, llamas, cows, poultry) and shall not include the feeding and sheltering of animals.
 - d) Agriculture is prohibited on any property less than one (1) acre in land area, except the keeping of up to three (3) small animals, less than twenty-five (25) pounds in gross body weight, which are permitted in any district for youth projects for the duration of the project. This limitation excludes all domestic household pets, though the keeping of any animal on less than one (1) acre in land area shall not be permitted if it constitutes a nuisance.
 - e) Household gardens shall be permitted on any property and shall be located behind the minimum front yard setback line.
 - 2) **Agricultural roadside stand**, for the purpose of selling seasonal agricultural goods, is permitted on any property of one (1) acre or more in any district. Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and

are of sufficient size and adequate layout to permit parking of a least four (4) vehicles and to permit vehicles to enter and exit the public right-of-way in a forward facing direction.

- 3) Agricultural farm market is permitted on property consisting of one (1) acre or more, provided the following standards are met:
 - a) Size of structures – Agricultural farm market structures shall not be greater than ten thousand (10,000) square feet in gross floor area.
 - b) Parking areas – Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of one (1) vehicle per two-hundred (200) square feet of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
 - c) Setbacks for buildings – Buildings shall comply with applicable zoning regulations of the district.
 - d) Access – Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.
- 4) Agritourism is permitted on property consisting of one (1) acre or more, provided the following standards are met:
 - a) Parking areas – Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of one (1) vehicle per two-hundred (200) square feet of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
 - b) Setbacks for buildings – Buildings shall comply with applicable zoning regulations of the district.
 - c) Access – Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.
- 5) Essential services shall be permitted as authorized and regulated by other laws.
- 6) Public utilities or railroads.
- 7) Height limitations shall not apply to:
 - a) Chimneys;
 - b) Church spires;
 - c) Cupolas;
 - d) Flagpoles;
 - e) Monuments;
 - f) Towers;
 - g) Radio towers; and
 - h) Other similar structure not intended for human occupancy.
- 8) A two (2) feet encroachment into any required setback is permitted for:
 - a) Architectural projections above the foundation, such as eaves, gutters, bay windows; and
 - b) Window wells.

SECTION V. AGRICULTURE DISTRICT (A-1)

Purpose – This district accommodates residential development in areas that are not serviced by central water and/or sanitary sewer facilities and where underground water supply or soil conditions for septic tanks are inadequate to accommodate a higher density.

- A) Permitted Uses – The following uses shall be permitted:
- 1) Agricultural dwellings, buildings and structures, if otherwise permitted.
 - 2) The growing and selling, either at retails or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agriculture.
 - 3) Single family dwelling houses and their accessory uses and building. There shall be permitted one (1) house trailer on a farm having twenty (20) to fifty (50) acres. A maximum of two (2) house trailers on a farm having more than fifty (50) acres. These house trailers are for the use of temporary farm workers and are limited to a total occupancy time of seven (7) months.
 - 4) Churches and parish houses, schools and educational institutions (both public and private), publicly owned and operated buildings and facilities.
 - 5) Publicly owned and maintained facilities, not otherwise exempt from zoning regulations.
 - 6) Public parks and playgrounds, private and non-commercial recreation areas and centers including country clubs, swimming pools, golf courses, public and private forests and wildlife preservations.
 - 7) Signs subject to compliance with the provisions Section XIII Supplementary Regulations.
- B) Conditional Uses – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
- 1) Cemeteries, provided that no mausoleum or crematory shall be located less than two hundred (200) feet from adjacent property and/or street lines, and that any new cemetery shall contain a minimum of five (5) acres.
 - 2) Airports with necessary buildings and appurtenances, provided it is constructed in accordance with applicable state and/or Federal aviation safety requirements; non-commercial usage of privately-owned air strips are excepted.
 - 3) Township refuse dumps.
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Area and Footage
- 1) When a residence is erected or placed upon land in an agricultural district, the lot on which it is erected or placed shall not be less than twenty thousand (20,000) square feet in area, exclusive of roadway.
 - 2) Any building other than a roadside stand shall comply with the following minimum road frontage and setbacks:
 - a) Road Frontage – Shall front not less than one hundred (100) feet on a public street or road
 - b) Front Setback - Shall have a minimum setback of fifty (50) feet from said road right-of-way; provided, however, that such setback line is a minimum of seventy-

five (75) feet from the road centerline where ever the road right-of-way is less than fifty (50) feet.

E) Yard and Height Restrictions

- 1) When any residential dwelling is constructed, erected or placed upon property in the agricultural district, it shall comply with all the regulations pertaining to a residential district, including the obtaining of a zoning permit. Dwellings which are to be a part of an existing farm operation shall be exempted from obtaining a zoning permit. Any basement dwelling constructed shall be completed within a two (2) year period, unless a time extension is requested and approved by the Board of Zoning Appeals.
- 2) There shall be no limit on the height of non-residential except that for each foot the height of such a structure exceeds thirty-five (35) feet; the total width of the two (2) side yards shall be increased by two (2) feet.

SECTION VI. SUBURBAN RESIDENCE DISTRICT (R-1)

Purpose - This district accommodates single-family residential dwellings in areas that are or may be expected to be provided with central sewer and/or water facilities. Stipulated densities provide a suburban character to the community and prevent excessive demands on sewage and water systems, streets, schools, and other community facilities.

A) Permitted Uses – The following uses shall be permitted:

- 1) A single-family dwelling erected, constructed, placed upon a residential lot after adoption of this Resolution shall not have less square footage than the following:
 - a) 900 Square feet – One (1) story plan without basement.
 - b) 850 Square feet – One (1) story plan with basement.
 - c) 650 Square feet – Ground Floor for two (2) story plan.
 - d) 650 Square feet – Ground Floor for one and one half (1-1/2) story plan.
 - e) 1,000 Square feet – Split level plan. Total living area on upper level where there is no basement under the lower level.
 - f) 900 Square feet – Split level plan. Total living area on upper level where there is a basement under the lower level.
- 2) Manufactured or modular homes are permitted in R-1 Residential Districts provided they rest on an improved foundation of cement or cement block construction.
- 3) Limited home occupation.
- 4) A single occupied camping trailer may be parked on the same premises as a dwelling for a period not to exceed fifteen (15) successive nights in any ninety (90) consecutive days, provided no change is made for such location or facilities offered, and that applicable setback and side yard restrictions are conformed with; or in emergency cases as provided for under Section XVIII, Part H.
- 5) Garage, yard, moving sales can only be held two (2) times in a 12-month period, four (4) days per week between the hours of 8:00 a.m. and 6:00 p.m. No permit is required.

B) Conditional Uses - The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:

- 1) Expanded home occupation.
- 2) Professional Offices for not more than one (1) surgeon, physician, clergyman, architect, attorney, insurance agent, or similar professional person, and nor more than one (1) office, laboratory, or other assistant, also customary home occupations such as millinery, dressmaking, and hair dressing; provided that these pursuits are conducted by a property owner in his place of abode, that same shall be main building and single-family residence; and further provided that not more than one-half (1/2) of the area of one (1) floor shall be used for such purpose; and further provided they are authorized by the Board of Zoning Appeals as a special exception. Permission shall not be granted for any of the above until a public hearing is held on the appeal and au property owners within a five-hundred (500) feet radius of the affected property does not necessarily compel the board to grant a permit. In cases where conditional uses have not been undertaken, as permitted, within two years following approval by the Board of Zoning Appeals, use shall revert back to its original, pre-permitted use. Subsequent changes in use require approval of the Zoning Board of Appeals. When property is sold to another property, is sold to

another owner, permission to undertake home occupations must be obtained from the Board of Zoning Appeals.

C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited. No mobile homes shall be allowed in R-1 Residential Districts.

D) Setback Line

- 1) If there are one or more pre-existing single-family residence dwellings on adjacent lots within one hundred and fifty (150) feet in either direction along the street line from a proposed single family dwelling or other structure, such- proposed dwelling or structure shall be setback from the street line the average distance of the setbacks of the pre-existing residential dwellings. However, no provision of this paragraph shall be construed to require a setback greater than fifty (50) feet from the street line; nor shall any building be placed nearer to a front street property line than thirty (30) feet.
- 2) When no pre-existing dwellings. are adjacent to a proposed dwelling or structure a setback of not less than fifty (50) feet from the road right-of-way line shall be observed; provided, however, that such setback line is a minimum of seventy-five (75) feet from the road centerline wherever the road right-of-way is less than fifty (50) feet.
- 3) The setback line is a line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

E) Area, Frontage and Lot Width

- 1) Where public water facilities are available and sanitary sewer facilities are available, no lot shall have an area less than twelve thousand (12,000) square feet, exclusive of roadway, nor a lot width less than seventy (70) feet (exception – Section XIII, Supplementary Regulations, Part F).
- 2) Where public water facilities are available and sanitary sewer facilities are not available, no lot shall have an area less than twenty thousand (20,000) square feet, exclusive of roadway, nor a lot width less than eighty-five (85) feet (exception-see Section XIII, Supplementary Regulations, Part F).
- 3) Where public water and sanitary sewer facilities are not available, no lot shall have an area less than twenty. thousand (20,000) square feet, exclusive of roadway, nor a lot width less than one hundred (100) feet (exception – Section XIII, Supplemental Regulations, Part F).
- 4) While lots located -on cul-de-sacs arid curvilinear streets may have a minimum lot width at the building line, as specified by points 1 and 2 above, respectively. Such lots shall not have street frontages of less than thirty-five (35) feet and seventy-five (75) feet respectively.

F) Side Yards

- 1) There shall be two (2) side yards with a total width of not less than twenty-four (24) feet. The width of the narrowest of the two (2) side yards shall not be less than then ten (10) feet except that; when a lot platted prior to the time of enactment of this Resolution, is less than sixty (60) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot or difference to a total width not less than sixteen (16) feet. The width of the narrowest of the two (2) side yards shall not be less than eight (8) feet.

- 2) In the case of corner lots the side yard of proposed permitted residential dwelling or other permitted structure shall be in line with existing structures on the side yard street within one hundred fifty (150) feet of a proposed permitted residential dwelling or other permitted structure the side yard shall not be less than thirty (30) feet from the right-of-way.
- 3) In case of corner lots the front of the lot shall be defined as that side of the lot with frontage bearing the official post office address of the lot.
- G) Rear Yards – There shall be a rear yard not less than forty (40) feet in depth.
- H) Height – Dwellings shall not exceed thirty-five (35) feet in height.
- I) Private (Detached) Garages and Accessory Buildings:
 - 1) Accessory Buildings
 - a) Garages shall not be placed closer to the street line than the front building line nor closer to the side or rear property line than twenty (20) feet, except garages of 900 square feet or less which may be no closer than six (6) feet to the side or rear property line. One, two, or three bay garages are permitted. No more than one (1) detached garage is permitted per lot. Garages shall be no more than one (1) story. The maximum permitted garage area shall be restricted by the existing lot size, as follows:

<u>Lot Size</u>	<u>Maximum Permitted Garage Size</u>
Less than one (1) acre	900 square feet
One (1) acre to less than two (2) acres	1,000 square feet
Two (2) acres to less than three (3) acres	1,100 square feet
Three (3) acres to less than four (4) acres	1,200 square feet
Four (4) acres to less than five (5) acres	1,300 square feet
More than five (5) acres	1,400 square feet

- b) Accessory buildings shall not be placed closer to the street line than the front bonding line, nor closer to rear property line than six (6) feet. No accessory buildings shall be more than one (1) story in height and shall not exceed three hundred and ninety-two (392) square feet in size.
- 2) The above, however, shall not prevent the building of a garage as a structural part of a dwelling.
- 3) Space in a private garage may be used for nor more than one commercial vehicle, providing it requires no more space than is required for an ordinary passenger vehicle, and space may be rented for not more than two (2) passenger vehicles of other than occupants of the building to which such garage is accessory.
- 4) No living quarters shall be constructed above a private garage or other outbuildings which are not a structural part of the main dwelling.
- 5) Outbuildings shall not be used for housing wild game, exotic animals, or any animals that may give off obnoxious, pungent odors that may pervade the area, or that may pose a health or safety risk to residents living on adjacent property.

SECTION VII. NEIGHBORHOOD RESIDENCE DISTRICT (R-1A)

Purpose - This district accommodates single-family residential dwellings in areas having central sewer and water facilities. Stipulated densities provide for areas of greater density than R-1 Districts and prevent excessive demands on sewage and water systems, streets, schools and other community facilities.

- A) Permitted Uses – The following uses shall be permitted:
- 1) The R-1A District is permitted only where municipal and/or county water and sewer facilities are available for service.
 - 2) All dwellings in an R-1A District shall have a total minimum livable floor area of
 - a) 900 square feet without a basement.
 - b) 850 square feet with a basement.
 - 3) Limited home occupation.
 - 4) Garage, yard, moving sales can only be held two (2) times in a 12-month period, four (4) days per week between the hours of 8:00 a.m. and 6:00 p.m. No permit is required.
- B) Conditional Uses – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
- 1) Expanded home occupation.
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Setback Line:
- 1) If there are one or more existing residential dwellings on adjacent lots within one hundred and fifty (150) feet in either direction along the street line from a proposed permitted residential dwelling or other structure shall be setback from the street line the average distance of the setbacks of the existing residential dwellings. However, no provision of this paragraph shall be construed to require a setback greater than fifty (50) feet from the street line; nor shall any building be placed nearer to a front street line than thirty (30) feet.
 - 2) Where no existing residential dwellings are adjacent to a proposed permitted residential dwelling or other structure a setback of not less than twenty-five (25) feet from the road right-of-way line shall be observed; provided however, that such setback line is a minimum of fifty (50) feet from the roadway centerline.
- E) Area, Frontage and Lot Width:
- 1) Where municipal and/or county water and sanitary sewer facilities are available, no lot shall have an area less than nine thousand five hundred (9,500) square feet exclusive of road right-of-way.
 - 2) The minimum lot frontage shall be forty (40) feet.
 - 3) The minimum lot width at the building setback line shall be seventy (70) feet.
- F) Side Yards
- 1) There shall be two (2) side yards with a minimum width of eight (8) feet for each side yard.
 - 2) In the case of corner lots the side yard of a proposed permitted residential dwelling or other permitted structure shall be in line with existing structures on the side yard street. If there are no existing structures. on the side yard street within one hundred

and fifty (150) feet of a proposed permitted residential dwelling or other permitted structure the side yard shall not be less than fifteen (15) feet from the right-of-way.

- G) Rear Yards – There shall be a rear yard not less than thirty (30) feet.
- H) Height – Permitted dwellings or other structures shall not exceed thirty-five (35) feet in height.
- I) Private Garages and Accessory Building
 - 1) Accessory Buildings
 - a) Garages shall not be placed closer to the street line than the front building line nor closer to the side or rear property line than twenty (20) feet, except garages of 900 square feet or less which may be no closer than six (6) feet to the side or rear property line. One or two bay garages are permitted. No more than one (1) detached garage is permitted per lot. Garages shall be no more than one (1) story. The maximum permitted garage area shall be restricted by the existing lot size, as follows:

<u>Lot Size</u>	<u>Maximum Permitted Garage Size</u>
Less than one (1) acre	900 square feet
One (1) acre to less than two (2) acres	1,000 square feet
Two (2) acres to less than three (3) acres	1,100 square feet
Three (3) acres to less than four (4) acres	1,200 square feet
Four (4) acres to less than five (5) acres	1,300 square feet
More than five (5) acres	1,400 square feet

- a) Accessory buildings shall not be placed closer to the street line than the front building line nor closer to rear property line than six (6) feet. No accessory buildings shall be more than one (1) story in height and shall not exceed three hundred and ninety-two (392) square feet in size.
- 2) The above, however, shall not prevent the building of a garage as structural part of a dwelling.
- 3) Space in a private garage may be used for not more than one (1) commercial vehicle, providing it requires no more space than is required for an ordinary passenger vehicle. Not more than two (2) car spaces per family dwelling shall be permitted.
- 4) No living quarters shall be constructed above a private garage or other outbuildings which are not a structural part of the main building.
- 5) Other outbuildings shall not be used for housing wild game, exotic animals, or any animals that may give off obnoxious, pungent odors that may pervade in the area, or that may pose a health or safety risk to residents living on adjacent property.

SECTION VIII. CORE RESIDENCE DISTRICT (R-2)

Purpose – This District provides for single-family or two-family residences, in areas that are, or may be expected to be, provided with central sewer and water and are in close proximity to urban centers or adjacent to existing similar developments.

- A) Permitted Uses – The following uses shall be permitted:
- 1) All buildings, structures and uses permitted in “Residence R-1 Districts.”
 - a) The size of single dwellings shall be the same as for Residence R-1 Districts.
 - 2) Two (2) family dwellings.
 - a) Each family dwelling unit shall contain at least seven hundred fifty (750) square feet.
 - b) Each family dwelling unit shall contain at least seven hundred fifty (750) square feet on the ground floor where there is no basement.
 - c) These areas shall be exclusive of porches, patios, breezeways or garages.
 - 3) Limited home occupations.
 - 4) Garage, yard, moving sales can only be held two (2) times in a 12-month period, four (4) days per week between the hours of 8:00 a.m. and 6:00 p.m. No permit is required.
- B) Conditional Uses – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
- 1) Expanded home occupations.
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Setback Line – Setback line requirements shall be the same as for “Residence R-1 Districts.”
- E) Area, Frontage and Lot Width
- 1) Where public water and sanitary sewer facilities are available no lot shall have an area less than ten thousand (10,000) square feet, exclusive of roadway, not a width less than seventy (70) feet (exception-see Section XIII, Supplementary Regulations, Part F).
 - 2) Where public water and sanitary sewer facilities are not available, total area and width requirements shall be the same as required in Residence R-1 Districts.
 - 3) While lots located on cul-de-sacs and curvilinear streets may have a minimum lot width at the building line, as specified by points 1 and 2 above, respectively, such lots shall not have street frontages of less than thirty-five (35) feet and seventy (70) feet, respectively.
- F) Side Yards
- 1) There shall be two (2) side yards with a total width of not less than twenty (20) feet. The width of the narrowest of the two (2) side yards shall not be less than eight (8) feet except that, when a lot platted prior to the time of enactment of this Resolution, is less than fifty (50) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot or difference to a total width not less than sixteen (16) feet. The width of the narrowest of the two (2) side yards shall not be less than seven (7) feet.
 - 2) Corner lot requirements shall be the same as for Residence R-1 Districts.
- G) Rear Yards – Rear yard requirements shall be the same as for Residence R-1 Districts.

H) Height

- 1) Height requirements shall be the same as for Residence R-1 Districts.
- 2) Parking
- 3) Regulations in Section XIII, N apply in this district.

I) Private Garages and Accessory Buildings

- 1) Private garage and accessory building requirements shall be the same as for Residence R-1 Districts.
- 2) In addition, two (2) family dwellings, a garage or parking spaces shall be provided on the same lot with the dwelling to park at least two (2) cars for each family unit contained in the dwelling, and must be in the rear of the dwelling. The above; however, shall not prevent the construction of a garage as a structural part of a dwelling.

SECTION IX. MULTI-FAMILY RESIDENCE DISTRICT (R-3)

Purpose – This district provides for one (1) to six (6) family dwelling unit buildings and required garages in areas that are or may reasonably be expected to have access to central sewer and water facilities and are in close proximity to urban centers or adjacent to existing similar developments.

- A) Permitted Uses – The following uses shall be permitted:
 - 1) All buildings, structures and uses permitted in Residence R-2 Districts.
 - 2) Multiple family dwelling without limit as to number of family units within a unified development on a property with a land area of not less than five (5) acres.
 - 3) Limited home occupations.
 - 4) Garage, yard, moving sales can only be held two (2) times in a 12-month period, four (4) days per week between the hours of 8:00 a.m. and 6:00 p.m. No permit is required.
- B) Conditional Uses – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
 - 1) Expanded home occupations
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Area and Frontage – No lot shall have an area less than twelve thousand (12,000) square feet for one or two families; no less than sixteen thousand (16,000) square feet for three or four family units; and no less than eighteen thousand (18,000) square feet for five or six family units. Additional area requirements shall be that for each family unit in excess of six (6) and eighteen thousand (18,000) square feet, the area shall be increased by thirty-five hundred (3,500) square feet for each additional family unit. Each lot shall have a frontage of at least seventy-five (75) feet at the building line and no less than (50) feet at the front property line, and a depth of no less than one hundred-fifty (150) feet.
- E) Setback Line – A setback line of fifty (50) feet from the front property line for all structures must be observed. The front property line is the that which faces on a private or public street or drive and the setback requirements are the same for all.
- F) Side Yards
 - 1) For dwellings up to and including six families there shall be two (2) side yards with a total width of not less than twenty (20) feet for a single-family dwelling; for two family and multiple family dwellings for no more than six (6) families additional side yard requirements shall be that for each family additional to one to be accommodated in a dwelling, the total width of the two side yards shall be increased by six (6) feet. The width of the narrowest of the two yards shall not be less than ten (10) feet. For multiple family dwelling in excess of six families, there shall be two side yards, each having a minimum width of thirty-five (35) feet. All side yards shall be unoccupied and unobstructed.
 - 2) In the case of a corner lot all structures on the street side yard shall be in line with existing structures that front on the street. If there are no pre-existing structures on this street within one hundred fifty (150) feet a street side yard of not less than fifty (50) feet from-the property line must be observed.
- G) Rear Yard – There shall be a rear yard of not less than forty feet in depth.
- H) Height – Dwellings shall not exceed three (3) stories or thirty-five (35) feet in height.

- I) Minimum Floor Areas
 - 1) Same as R-1 for single-family dwelling unit.
 - 2) No duplex or multi-family dwelling until hereafter constructed, altered or converted shall contain less than six hundred fifty (650) square feet per family if, private basement space is provided, or less than six hundred and fifty (650) square feet per family without private basements. The foregoing are exclusive of open or screened porches or garages.
- J) Density – There shall be no more than six (6) family units per acre of land and the coverage of the land area, exclusive of garages or accessory buildings, shall not exceed thirteen (13%) percent.
- K) Parking
 - 1) Garage or parking space shall be provided in the rear only and on the same lot or unified development, to park at least two cars for each family unit. Each parking space to be at least two-hundred square feet in area, exclusive of access thereto.
 - 2) Section XVIII, G, regulations on parking apply in this district.
- L) Private Garages, Parking Spaces and Other Outbuilding
 - 1) Detached garages, parking spaces and other outbuildings shall be permitted in the rear yard only. No detached garage or other outbuilding shall be placed nearer to any property line than five (5) feet. No detached garage or any other outbuilding shall be placed nearer to the main building than ten (10) feet. The above, however, shall not prevent the construction of a garage as a structural part of a dwelling.
 - 2) Additional regulations applying to private garages and accessory buildings in R-1 Districts apply to this district.

SECTION X. MOBILE/MANUFACTURED HOME DISTRICT (MHD)

Purpose – To encourage the well-planned development of Mobile Home or Manufactured Home Parks. No person may apply for a zoning certificate and building permit for a mobile home park without first obtaining approval in writing from the Ohio Environmental Protection Agency.

A) Permitted Uses – The following uses shall be permitted:

- 1) Mobile Homes.
- 2) Manufactured Homes.
- 3) Accessory Uses:
 - a) A permanent dwelling for one family with a minimum of six hundred fifty (650) square feet of area in the ground floor including the office. Maintenance facilities for the operation of the mobile home/manufactured home park shall be in addition to the permanent dwelling and may be in a separate or an adjoining building.
 - b) Mobile homes or manufactured homes offered for sale by the operator of the Mobile Home/Manufactured Home Park: provided no more than three (3) mobile homes are displayed, said mobile homes to be displayed in accordance with the front and side street and side yard requirements of the park.
 - c) Garages, carports and accessory buildings, provided they are placed no closer than fifty (50) feet to a front or side street property line or fifteen (15) feet to a side or rear property line of the park.
 - d) One (1) Outdoor Advertising Sign with only the name of the Mobile Home/Manufactured Home Park there-on and not exceed sixteen (16) square feet
- 4) Accessory buildings of two hundred (200) square feet or less in area.
- 5) Off-street parking, as permitted and regulated in this Resolution.

B) Conditional Uses - The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:

- a) Churches, parish houses, and other buildings for the purpose of religious worship.
- b) Home occupations, subject to the following:
 - (i) Activities shall be conducted entirely within the dwelling unit, and no use of any accessory building or yard space shall be permitted.
 - (ii) Activities shall be clearly incidental and secondary to the use of the structure for dwelling purposes.
 - (iii) Such use shall be conducted only by persons residing in the dwelling unit
 - (iv) There shall be no display nor stock in trade nor commodities sold except those produced on the premises.
 - (v) One (1) unlighted name plate not more than three (3) square feet in area announcing the name and home occupation shall be permitted.
 - (vi) Such uses shall not create noise, odor, dust, vibration, fumes, smoke, electrical interference, or other nuisances.
- c) Lighting shall not constitute a nuisance nor impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- d) Accessory buildings over two hundred (200) square feet in area.

- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Standards – All uses in the district are subject to the following specific regulations:
- 1) Area and Frontage – No Mobile Home/Manufactured Home Park shall be permitted on a tract of land paving a total area of less than twenty (20) acres and frontage of no less than one hundred and fifty (150) feet at one entrance.
 - 2) Mobile Home/Manufactured Home Lot – Each mobile home lot shall contain not less than six thousand square feet (6,000) and shall be developed with a mobile home stand designed for the width and length of the mobile home. Said mobile home stand shall be no closer than fifteen (15) feet to the front and rear lot lines and be at least eight feet (8) from the side lot lines.
 - 3) Density – The maximum density shall be no more than five (5) mobile homes per acre of land.
 - 4) Minimum Floor Area – No mobile home shall be permitted with minimum floor area of less than six hundred (600) square feet.
 - 5) Front Yard – No mobile home or other permitted structure or use shall be placed closer than fifty (50) feet to a front or side street property line.
 - 6) Side and Rear Yard – A minimum planted buffer strip at least fifteen (15) wide shall be provided along the perimeter of the mobile home park. Said buffer strip shall not be occupied by any structure or use nor shall it be included as a part of an individual mobile home lot.
 - a) Building Height – No building or permitted structure shall exceed one story or fifteen (15) feet in height.
 - b) All units shall be parked on a concrete slab, at least four (4) inches thick, and at least two (2) feet larger in all dimensions than the unit.
 - c) All units must have the space from the ground to the bottom of the unit enclosed with a solid or lattice type enclosure in order to eliminate unsightly storage areas.
 - d) Placement – Every mobile home/manufactured home space or lot shall front upon an interior drive within the mobile home park.
 - 7) Driveways and Parking – A paved access drive of not less than thirty (30) feet in width shall be provided as an entrance and exit to the mobile home/manufactured home park. Access drives within the mobile home park, upon which mobile home/manufactured home lots front, shall be paved for no less than twenty (20) feet in width. Two (2) parking spaces shall be provided for each mobile home unit with an area of no less than two hundred (200) square feet per space exclusive of access thereto. Parking spaces on the access drives shall not be considered as part of this requirement.
 - 8) Recreation – An area constituting at least ten (10) percent of the Park must be permanently set aside for a dry, usable recreation area. The recreation area can be more than a half (1/2) acre in size or less than seventy-five (75) feet wide.
 - 9) Accessory Uses – Within a mobile home/manufactured home park development the following accessory uses and buildings shall be permitted:
 - 10) Other Regulations
 - a) Prior to the development of a Mobile Home/Manufactured Home Park, a developmental plan of the Mobile Home/Manufactured Home Park shall be filed with the office of the Township Zoning Inspector. A permanent structure for an

- office and maintenance facilities plus complete facilities for the minimum of fifty (50) Mobile Homes/Manufactured Homes shall be required before a zoning permit can be issued for the installation of any mobile home or manufactured home. A zoning permit for construction of a Mobile Home/Manufactured Home Park must be secured before construction starts. All permits required by the State of Ohio shall be acquired before a zoning permit can be issued.
- b) For each new addition to a Mobile Home/Manufactured Home Park, a development plan shall be filed with the office of the Township Zoning Inspector and a zoning permit must be secured before construction.
 - c) It shall be further required that a zoning permit be secured for each mobile home/manufactured home prior to its placement and installation and for all other permitted structures and uses within the Mobile Home/Manufactured Home Park.
 - d) In addition to all the above the Ohio State Regulations 260 to 290, inclusive of the Ohio Sanitary Code relative to the location, layout, construction, drainage, sanitation, safety and operation of Mobile Home/Manufactured Home Parks also apply. Applicants shall have permission in writing from the Ohio and County Health Department approving the site and plans for the proposed Mobile Home/Manufactured Home Park
 - e) One Camper, Camper Trailer or vehicle designed for mobile living-may be parked or stored on the premises of the owner or renter of a mobile home lot providing that no utilities shall be connected to said vehicle except for a period not to exceed fifteen (15) successive nights in any ninety (90) consecutive days, provided no charge is made for such location or facilities offered and that applicable setback and side yard are conformed with.
 - f) A conditional zoning certificate for use permitted under these resolutions may be issued for a period as stipulated by the Township Board of Zoning Appeals. Upon expiration of the stipulated period, change of ownership or change of use, a new conditional zoning certificate shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector have determined that its use has been and is being operated according to specifications of the Zoning regulation and the previous conditional zoning certificate. If necessary, the Board of Zoning Appeals may modify requirements for the continued operation of the use as a prerequisite for the reassurance of the conditional zoning certificate.

SECTION XI. BUSINESS/COMMERCIAL DISTRICTS (C-1)

Purpose – This district provides for a variety of retail, service, professional, and administrative establishments typically serving a small economic region located near much larger urban economies.

A) Permitted Uses – The following uses shall be permitted:

- 1) All buildings, structures and uses permitted in “Residence R-1, R-1 A, and R-2 districts,” subject to all the provisions specified for such buildings, structures and uses in such Residential Districts.
- 2) Stores, shops and business offices, restaurants, hotels, motels and theaters; garages and gas station, subject to the regulations of Ohio State
 - a) Laws and as permitted by law in all other respects; and any other buildings, structures and uses customarily and ordinarily located in business districts, except the following, which are specifically prohibited:
 - b) Retail establishments employing more than 20 employees or operating out of structure larger than 15,000 square feet in floor area. Other small businesses of a similar nature may be permitted if authorized by a conditional use certificate issued by the Zoning Board of Appeals.
 - c) Any process of manufacture, assembly or treatment which normally constitutes a nuisance by reason of odor, noise, dust or smoke or which constitutes an unusual fire hazard.
 - d) Slaughtering, poultry and animals, rendering lards and other fats and meat smoking, whether or not the same is incidental to a retail business.
 - e) Junk yards, secondhand material yards, automobile graveyards, disassembly plants, and dumps.
 - f) Repair or machine shops, not including public garages, employing more -than five (5) persons.
 - g) Laundries or dyeing and cleaning works with capacity for more than ten (10) employees engaged in these processes.
 - h) Commercial warehouses, lumber and coal yards and building material storage yards.
 - i) Bottling and brewing or distilling of alcoholic liquors.
 - j) The storage of explosives, and the storage of crude oil or any of its violative products or other highly inflammable liquids in above ground tanks except in accordance with state regulations in respect thereto.
 - k) Stone or monument works.
 - l) Any process, manufacture or treatment constituting a nuisance by reason of the creation of liquid wastes or liquid born wastes of objectionable or polluting nature. Objectionable or polluting wastes shall be defined as those wastes which adversely affect the bacteriological, chemical or physical quality or potability of the water in such a manner as to make it unfit or undesirable for human consumption after conventional treatment procedures or clarification and filtration; or wastes which create any hazard, nuisance or detriment to the downstream residents and property owners on any lake, stream or river.
- 3) Off Street Parking – Section XIII, N, of this Resolution regulates parking.

- B) **Conditional Uses** – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
- 1) Conditional zoning certificate for use permitted under these resolutions may be issued for a two (2) year period. After two (2) years, the Zoning Inspector shall review conditional usage for compliance with the terms of the zoning certificate and district regulation. If conditional usage is not in compliance, the Zoning Board of Appeals may revoke the conditional certificate.
 - 2) The Board of Zoning Appeals may authorize issuance of a conditional zoning certificate for uses listed herein subject to the general requirements of Section XIII:
 - a) Lighting shall not constitute a nuisance nor impair safe movement of traffic on any street or highway; lighting shall not shine directly on adjacent properties.
 - b) Public or private transportation agencies or terminals.
 - c) Recycling and/or transfer facilities shall meet all County, Ohio and federal health, environmental, building, electrical and other applicable laws; shall not create a fire hazard; shall conform to parking and loading requirements in Section XIII, N; and shall not adversely affect health, safety or welfare of the general public.
- C) **Prohibited Uses** – Any uses not specifically listed as permitted or conditional are prohibited.
- D) **Semi-Fireproof Construction** – All commercial buildings constructed or erected in a “Business District” shall be in accordance with all regulations of the State of Ohio pertaining thereto.
- E) **Setback Line** – A setback of not less than fifty (50) feet from the road right of way line shall be observed, provide however, that such setback line is a minimum of seventy-five (75) feet from the road centerline wherever the road right of way is less than fifty (50) feet. This area may be used for parking incidental to the business.
- F) **Buffer Strips** – There shall be a buffer strip, planted and properly maintained, of twenty-five (25) feet in width adjacent to Residential Districts.
- G) **Junk yards or automobile wrecking yards, scrap iron, scrap paper, or rag storage, sorting or bailing**, provided such enterprises are conducted within a building or entirely within a solid fence enclosure, a minimum of six (6) feet in height, however, in all instances such enclosures shall be of such type and height that it will conceal from public view all operations and storage.

SECTION XII. LIGHT INDUSTRIAL DISTRICTS (M-1)

Purpose – This Light Industrial Districts permits commercial enterprises and light manufacturing uses. Each enterprise shall not be objectionable because of odor, smoke, dust, fumes, noise, vibration, water pollution, air pollution or similar causes. Only commercial enterprises and light manufacturing are permitted in this district whose operations lend themselves to clean attractive landscaped facilities and processes which create no nuisance to neighboring businesses or residents. All operations must be contained within buildings and no outside storage allowed such as finished product, raw materials, scrap and refuse.

- A) Permitted Uses – The following uses shall be permitted:
- a) Any use permitted in Business Districts.
 - b) Building material sales, not including stone crushing or concrete mixing.
 - c) Distribution plants, parcel delivery, cold storage plants, printing, bakeries, food processing, packaging and beverage distributor and bottling plants.
 - d) Cleaning and dyeing works.
 - e) Retail lumber sales providing that lumber be with in a fire resistive building.
 - f) Major garages including gasoline filling stations and automobile body repair.
 - g) Light contractor equipment storage and maintenance shops.
 - h) Research, engineering and testing laboratories.
 - i) Light manufacturing such as tool and die shops, machine shops, furniture or upholstering shops, carpenter or patterns shops, optician shops, plumbing or pipe fitting shops, metal working shops and other shops and industries of this nature not included in the above.
- B) Conditional Uses – none
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Construction
- 1) All buildings, except private buildings including garages, constructed or erected in a Light Industrial District shall be in conformance with all regulations of the State of Ohio pertaining there to.
 - 2) When applying for building permits the following must be submitted to the Zoning Inspector:
 - a) Full description of operations involved.
 - b) Drawing of proposed building and grounds.
 - c) Estimate of output of operations.
 - d) Estimate of personnel involved.
- E) Parking
- 1) All enterprises in Light Industrial Districts shall provide off-street parking facilities for their staff, employees and normal visitors.
 - 2) No on-street parking shall be permitted.
 - 3) No parking is allowed within twenty-five (25) feet of the road right-of-way line or Residence R-1, R-1A and R-2 Districts property line.
 - 4) Parking resolutions in Section XIII, N apply in this district.
- F) Yard and Height Requirements

- 1) Front Yard - All buildings and structures shall have a front yard not less than fifty (50) feet in depth from the road right-of-way line.
 - 2) Side Yard - All buildings and structures shall have two (2) side yards with a total width of not less than twenty-four (24) feet. The width of the narrowest of the two (2) side yards shall not be less than ten (10) feet except where it abuts Residence A-1 and R-2 Districts and then it shall be One Hundred (100) feet.
 - 3) Rear Yard - All buildings and structures shall have rear yards not less than twenty-five (25) feet except where it abuts Residence R-1 and R-2 Districts and then it shall be one hundred (100) feet.
 - 4) Height Requirement – All buildings and structures shall not exceed the height of fifty (50) feet.
- G) Signs – Resolutions in Section XIII concerning signage apply in this district.
- H) Junk Yards – Junk yards or automobile wrecking yards, scrap iron, scrap paper, or rag storage, sorting or bailing, provided such enterprises are conducted within a building or entirety within a solid fence enclosure, a minimum of six (6) feet in height, however, in all instances such enclosures shall be of such type and height that it will conceal from public view all operations and storage.

SECTION XIII. HEAVY INDUSTRIAL DISTRICTS (M-2)

- A) Permitted Uses – The following uses shall be permitted:
- 1) There shall be permitted those uses allowed in a “Light Industrial Districts,” also uses of an industrial nature, including but not limited to manufacture, reduction, storage, shipping and processes related thereto, and the following uses:
 - 2) Activities of an industrial nature are permitted except uses or industrial processes that may be noxious, or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substance conditions. Any use may be permitted if approved by the Board of Zoning Appeals and subject to such conditions, restrictions and safeguards as may be deemed necessary by said Board.
 - 3) Specific non-manufacturing uses permitted are:
 - a) Restaurants and cafes.
 - b) Building supply sales including stone crushing and concrete mixing.
 - c) Distribution plants and cold storage plants: bottling works.
 - d) Contractor's equipment storage
 - e) Feed and solid fuel storage yards.
 - f) Major garage, including gasoline filling station and automobile body repair.
 - g) Lumber yards
 - h) Wholesale business, storage, warehouses
 - i) Electric power sub-stations
 - j) Advertising signs
- B) Conditional Uses – The following uses may be permitted by the Board of Zoning Appeals in conformance with Section XVIII:
- 1) Junk yards or automobile wrecking yards, scrap iron, scrap paper, or rag storage sorting or bailing, provided such enterprises are conducted within a building or entirety within a solid fence enclosure, a minimum of six (6) feet in height, however, in all instances such enclosures shall be of such type and height that it will conceal from public view an operations and storage.
- C) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited.
- D) Setback Line
- 1) A setback line of not less than fifty (50) feet from the road right-of-way line shall be observed; provided, however, that such setback line is a minimum of seventy-five (75) feet from the road centerline wherever the road right-of-way is less than fifty (50) feet.
 - 2) No building or structure in an industrial district, shall be erected within, or structurally altered to extend within, one hundred (100) feet of a residential district boundary line. Such space may be used for employee and/or visitor parking, or shall be seeded, planted, and properly maintained. If used for parking, adequate screen planting shall be provided where required by the Township Board of Zoning Appeals, screen planting shall also be provided in other locations where considered necessary and required by such Board.
- E) Semi-Fireproof Construction – Semi-Fireproof regulations shall be the same as for “Business/Commercial Districts.”
- F) Off Street Parking – Section XIII concerning parking applies to this district.

G) Signs – Section XIII concerning signage applies to this district.

H) Site Drainage

- 1) Site Drainage – On-Site Drainage retention or detention areas and calculations must be presented to the Township Zoning Official as part of the site development plan.
- 2) All new site developments must have Township approved drain tile installed along all property perimeters facing a street.

SECTION XIV. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

- A) Purpose – The intent of these regulations is to provide maximum opportunity for orderly large-scale developments which will benefit the community as a whole by offering a greater choice of living environments. There may be a mixture of Residential, Commercial and/or Light Industrial uses as regulated below.
- B) Special Provisions – Whenever there is a conflict or difference between the resolutions governing PUD districts and other districts, PUD district regulations shall prevail as they pertain to the other development of Planned Unit Developments.
- C) Minimum Dwelling Size – All dwellings in a PUD District shall have a minimum livable floor area per dwelling unit as follows:
- 1) Dwelling units with no bedrooms six hundred (600) square feet
 - 2) Dwelling units with one (1) or more bedrooms six hundred (600) square feet plus one-hundred and twenty (120) square feet for each bedroom.
 - 3) There shall be a minimum of one (1) vehicle garage per dwelling unit in addition to parking require in other sections of this resolution. All garages shall have a minimum of three (3) enclosed sides plus a roof.
- D) Minimum Land Area – The minimum required acreage for a PUD project is shown below:

<u>Use Mixture-Percentages</u>	<u>Minimum Acres</u>
No mixed use - all residential with 20 percent common open space	15
With no residential mixture - commercial, industrial, no percent mixture requirement, 10 percent common open space	30
With residential mixture - residential 65 percent, commercial and/or industrial, 15 percent, common open space 20 percent	25

- E) Yard Requirements
- 1) Residential – There shall be a twenty-five (25) foot minimum buffer zone between any structure in the residential portion of the PUD.
 - 2) Commercial – There shall be a one hundred (100) foot minimum buffer zone between any structure in the commercial portion of the PUD and the PUD boundary line and/or any structure in a residential portion of the PUD. All regulations applying in Business/Commercial Zoning Districts shall apply to commercial uses in the PUD.
 - 3) Industrial – There shall be a two hundred (200) foot minimum buffer zone between any structure in the industrial portion of the PUD and the PUD boundary line and/or any structure in a residential portion of a PUD. All regulations applying in Light Industrial Zoning Districts shall apply to industrial uses in the PUD.
 - 4) Each property development in the PUD shall abut common open space, provided that any residential property not abutting such common open space shall have access to and shall be no more than five hundred (500) feet from such common open space.
- F) Maximum Building Height – Maximum building height shall be thirty-five (35) feet.
- G) Permitted Uses – Only those uses permitted or conditionally permitted under the Residential R-3, Business/Commercial, or Industrial Districts of these Resolutions shall be permitted in the PUD.
- H) Prohibited Uses – Any uses not specifically listed as permitted or conditional are prohibited. In any PUD development containing or adjacent to any residential area, no

use shall be permitted that will create dust, noise, odors, or other conditions that would adversely affect health, well-being, safety, or comfort of residents.

- I) Arrangement of Uses – All plans submitted to the Township Zoning Board for approval shall clearly show an integrated and harmonious arrangement of structures, common open space, parking and vehicle circulation patterns, landscaping, land contouring, lakes, drainage and streams, and any other items needed to make the PUD attractive and complementary to the surrounding developments.
- J) Common Open Space
 - 1) At least twenty (20) percent of the total gross acreage of the PUD must be devoted to common open space designed to provide active recreation, recreation, preservation of natural site amenities or any combination passive thereof.
 - 2) Buildings, structures and improvements to the common open space must be appropriate to the uses authorized for common open space. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail and has been approved by the Township Zoning Board.
 - 3) Responsibility for maintenance of all common open space shall be specified in writing by the developer before approval of the final development plan. Common open space shall be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or shall be dedicated to a homeowners' association that shall have title to the land which shall be retained as common open space for parks, recreation or related uses.
 - 4) Legal articles relating to the organization of the home owners' association are subject to review and approval by the Township Zoning Board and Township Trustees.
- K) Utilities – All utilities shall be underground and meet all County Subdivision Regulations.
- L) Parking – Parking shall conform to the requirements of other Sections of this Resolution.
- M) PUD Approval Process

<u>Process, Task, Action</u>	<u>Responsible Parties</u>
1. Pre-application Plan Meeting.	Developer, Zoning Inspector, Zoning Board
2. Preliminary Development Plan Application	Submitted to Perry Township Zoning Inspector/Board, Salem City Planning Commission and Columbiana County Planning Commission by at least one property owner
3. Zoning Board Public Hearing not less than 20 days or more than 40 days from application filing date.	Zoning Board
4. Approval in Principle of Preliminary Plan within 60 days of Public Hearing.	Zoning Board

5. Submission of Final Development endorsed by registered architect, registered land surveyor, and registered civil engineer.	Developer
6. Zoning Board Public Hearing within 30 days of Final Plan submission.	Zoning Board
7. Approval of Final Plan within 60 days following Public Hearing.	Zoning Board
8. Public Hearing by Township Trustees within 30 days of Zoning Board recommendation.	Township Trustees
9. Final approval/disapproval by Township Trustees	Township Trustees

N) Planning Requirements

- 1) Preliminary Plan Application shall include applicant name, address and phone number; names, addresses and phone numbers of surveyors, engineers, and urban planners; legal description of property; present use; present and proposed zone district; zone change request; map of project; detailed preliminary development plan; proposed schedule for site development evidence that applicant has sufficient control of land, enclosure of a fee established by Township Trustees; a list of names and addresses of all property owners within five hundred (500) feet of project, verification of the accuracy and truthfulness of information in the application; and a written statement by the developer justifying the project.
- 2) Final Plan Application shall include information set forth in N-1 above, updated or revised along with a survey of the development site showing dimensions and bearings of property lines, area in acres, topography, existing features including wooded areas, structures, streets, easements, utilities and land uses; location and sizes of lots, location and proposed density of dwellings, nonresidential building intensity, adjacent area land use; construction schedule, design standards and landscaping, types and quantity of housing, open space, public improvements, construction schedule, zoning exceptions, non-conforming uses; engineering - feasibility studies (water, sewer, drainage, electricity, telephone, natural gas, waste disposal, street improvements), site improvement; preliminary building plans including landscaping; deed restrictions, protective covenants, any other legal restrictions; certification of compliance with all health, safety, environmental regulations; and payment of fee as established by Board of Trustees.

O) Criteria for Evaluating Plans/Projects

- 1) Proposed plan can be initiated within three (3) years.
- 2) Street additions or modifications are suitable and adequate to carry anticipated traffic.
- 3) Any commercial or industrial development can be justified.
- 4) Exceptions to existing resolutions herein can be justified because of design requirements and compatibility with other-project amenities.
- 5) Surrounding area can be planned and zoned in coordination and substantial compatibility with the proposed development.

- 6) Existing and proposed utility services are adequate for the populations density and non-residential use proposed.
- P) Projects not begun within three years of formal approval shall be considered terminated. Terminated projects must begin the PUD approval process a new should developers seek to reactivate them.

SECTION XV. SUPPLEMENTARY REGULATIONS

A) GENERAL REGULATIONS

- 1) **Corner Properties** – On a property located at street and/or highway intersection in any district established by this Resolution, no fence, wall, sign, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty-five (25) feet distance from point of intersection.
- 2) **Lots, Yards, Open Space** – No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by these resolutions may by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.
- 3) **Mechanical Units** – Heating units, cooling coils, evaporative condensers, solar panels, generators and other similar mechanical units shall be considered as part of the structure and must be placed within the allowable building area. These units shall not be located between the structure and any street and shall not generate a nuisance for any residence.
- 4) **Swimming Pools** – Public or private in-ground or above-ground swimming, wading or other pools larger than one hundred (100) square feet in surface area or having a depth of water” greater than eighteen (18) inches shall be considered as structures for the purpose of these regulations, and as such shall not be located between a structure and any street. These pools, and any area within any required fence, shall be located within the allowable building area, except that the rear yard requirement is reduced to twenty (20) feet. Construction, inspection, and other safety facilities shall be regulated by State, County or any other codes. These pools and associated decks shall be completely enclosed by a fence at least six (6) feet in height above ground level. All openings in these fences shall be equipped with a self-closing locking device. If the means of access is a ladder, steps or ramp, then the ladder, steps or ramp shall be capable of being secured, locked or removed to prevent access to the pool.
- 5) **Satellite Earth Stations** – Satellite earth stations shall fall under the heading of accessory structures and all applicable building resolutions shall apply. All referenced distances to a satellite earth station shall be to any extremity of the dish or support structure with the dish in any usable position. Satellite earth stations shall be placed within the allowable building area and shall not be located between the structure and any street or road. The maximum height of a ground mounted satellite earth station shall be twenty (20) feet above the existing ground level, but not greater than the distance to the nearest lot line. The maximum height of a roof mounted satellite earth station shall be fifteen (15) feet above the highest point of the roof. A plot plan shall be submitted to the Township Zoning Inspector for approval. A Zoning Permit must be issued before any construction is started.
- 6) **Limited Home Occupations**, provided the following standards are met:
 - a) A home occupation is permitted in districts, as specified, if they meet all of the following conditions, without exception:

- b) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
 - c) No person or persons, other than the owners of the premises shall operate a Home Occupation;
 - d) Not more than one on-site worker in addition to the owner shall be employed in a Home Occupation;
 - e) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
 - f) Not more than twenty percent (25%) or five hundred (500) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation;
 - g) Home Occupations shall not be permitted in any Accessory Building within any District, though accessory buildings may be used for the parking of vehicles affiliated with the Home Occupation;
 - h) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located;
 - i) Goods or services sold directly to customers on the premises, limited to two (2) customers vehicles at a time, which must be parked entirely outside of the road right-of-way;
 - j) Traffic generated by the home occupation shall in no case be in a greater volume than would normally be expected in a residential neighborhood;
 - k) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
 - l) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
 - m) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.
 - n) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations; and
 - o) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- 7) Ponds or other water impoundments may be excavated as a permitted use in any Zoning District provided the following standards are met:
- a) The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted

- around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
- b) Eighty (80) feet from road centerline of pavement to high water mark and thirty (30) feet from high water mark to side and rear lot lines. The pond outlet must be designed not to encroach on adjacent property.
 - c) The minimum lot size for a property to contain a pond is three (3) acres.
 - d) The pond outlet must be designed not to encroach on adjacent property.
 - e) All ponds should be a minimum of one-quarter (1/4) of an acre in size.
 - f) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
- 8) Religious Land Uses / Churches – The following standards shall apply to the development and construction of churches and other similar uses:
- a) The lot area shall be adequate to accommodate the required off-street parking space requirements. In no event shall parking be permitted on adjacent streets or within a street right-of-way.
 - b) The church shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire or minimum district setback requirements, whichever is larger.
 - c) The church lot shall be accessible to a major arterial street in a manner that does not require the passage of traffic through local residential streets.
 - d) One single-family accessory living quarters may be provided on the church lot, unless otherwise restricted.
- 9) Wind Turbines – No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Inspector demonstrating compliance herein, except wind projects of 5MW or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind projects less than 5MW and used solely for agriculture will be exempt from these zoning regulations as an agricultural use.
- a) Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a permitted use.
 - b) The height of any turbine shall comply with the following:
 - (i) Turbines mounted on the ground – The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.
 - (ii) Turbines mounted on a structure – The maximum height of any such turbine shall not exceed the permitted height of the structure, plus 15 feet.
 - c) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:
 - (i) Turbines mounted on the ground – The height of the tower, from the finished grade to the tallest tip of the blade,

- (ii) Turbines mounted on a structure – The total height of the tower from the finished grade of the structure, on which it is mounted,
 - d) The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
 - e) Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
 - f) Decibel levels shall not exceed 70 decibels, by design or at the location of the tower.
 - g) Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.
 - h) All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
 - i) No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
 - j) No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- 10) Garage, yard, moving sales - Such sales can only be held two (2) times in a 12-month period, four (4) days per week between the hours of 8:00 a.m. and 6:00 p.m. No permit is required.
- 11) Temporary Basement Dwellings – Any basement used as a dwelling shall have the balance of the structure completed and ready for habitation within a two-year period unless a time extension is requested and approved by the Board of Zoning Appeals.
- 12) Refuse Burning – No burning of refuse that results in the emission of objectionable odors, smoke, fumes, dirt or endangers the property of others shall be permitted indoors or outdoors.
- 13) Site Drainage – On-Site Drainage retention or detention areas and calculations must be presented to the Township Zoning Official as part of the site development plan.

All new site developments must have Township approved drain tile installed along all property perimeters facing a street.

- 14) Outbuildings shall not be used for housing wild game or any animals that may give off obnoxious, pungent odors that may pervade the area, or that may pose a health or safety risk to residents living on adjacent property.
- 15) Camp Sites – Camping shall be permitted in any District of the Township, exclusive of Residential, by any organization. Creation of a lake or pond in conjunction with such activities is permissible.

B) CONDITIONAL USE STANDARDS

- 1) Cemeteries may be approved by the Board of Zoning Appeals in specified districts, provided the following standards are met:
 - a) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall not be on a dead-end road or cul-de-sac.
 - b) Any new cemetery shall be located on a site containing not less than ten (10) acres.
 - c) Internment shall not be within three hundred (300) feet of a Dwelling, unless the owner of such Dwelling gives his consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a Cemetery already in use, as further provided in Ohio Revised Code, Section 1721.03.
 - d) A mausoleum shall not be within three hundred (300) feet of any property line.
 - e) A crematory or other Structure shall not be within one thousand (1,000) feet of any property line.
 - f) Every Cemetery company or association shall cause a plat of its grounds and of the Lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with Ohio Revised Code, Section 1721.09.
 - g) All required yards shall be landscaped and maintained in good order. A plan for perpetual care of the grounds shall be required.
 - h) Nothing herein shall prohibit burial of ones own domestic pets in a cemetery or on personal property.
- 2) Extraction of Minerals may be approved by the Board of Zoning Appeals in specified districts, provided the following standards are met:
 - a) Any owner, lessee or other person, firm, or corporation having an interest in mineral lands, in any district may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he/she shall comply with all requirements of the District in which said property is located, and with the following additional requirements.
 - b) Distance from Property Lines: No quarrying operation shall be carried on or any stockpile placed closer than 100 feet to any property line unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property; provided that this distance requirements may be reduced to 25 feet by written consent of the owner/owners of the abutting property.
 - c) Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road,

- no part of such operation shall take place closer than 25 feet to the nearest line of right-of-way.
- d) Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board of Zoning Appeals.
 - e) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment.
 - f) The crushing, washing, and refining or other similar processing shall not be in conflict with the use regulations or the District in which the operation is located.
 - g) In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries, or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. The said conditions and amount of the performance bond shall be determined by the Board prior to issuance of the permit.
- 3) Expanded Home Occupation may be approved by the Board of Zoning Appeals in specified districts, provided the following standards are met:
- a) A person may apply for a Conditional Use Permit for a Home Occupation that does not comply with the requirement of a Home Occupational Permitted Use. The criteria for the issuance and maintenance of such a permit for a Home Occupation are as follows:
 - b) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
 - c) There shall be no more than two (2) non residential on-site employees or volunteers to be engaged in the proposed Use, in addition to the owners;
 - d) Retail sales may be permitted within a single accessory building on-site if they are incidental and relative to the Home Occupation;
 - e) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a single accessory building and not visible from the road or any another surrounding property;
 - f) Not more than thirty-five (35%) of the residence and/or twenty-five percent (25%) of any one accessory building shall be devoted to the proposed Home Occupation;
 - g) The external appearance of the Structure and premises in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than twenty (20) square feet which shall be either mounted flush to the wall of the Structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the application;
 - h) Minor or moderate Alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed Use but there shall be no additional square footage added to the home for the home occupation;
 - i) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference

- detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- j) No more than four (4) additional parking places [six (6) total] may be proposed in conjunction with the Home Occupation, which must meet parking standards and shall not be located in a required Front Yard. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;
 - k) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
 - l) Inspected and demonstrated compliance of all structures and driveways which are to be occupied by the Home Occupation;
 - m) A storm water management plan must be submitted with approval of appropriate county and/or state agencies, unless waived by the Board of Zoning Appeals;
 - n) A landscaping and screening plan indicating all existing and proposed plantings, unless waived by the Board of Zoning Appeals;
 - o) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
 - p) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
 - q) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- 4) Temporary residences, including mobile homes, shall be removed from lot within sixty (60) days of the expiration date of approved temporary permit.
- a) Any residential use of a Mobile Home, the following shall apply:
 - b) Complies with all applicable zoning regulations pertaining to a one-family dwelling.
 - c) Ties downs per State of Ohio standards.
 - d) Complies with all Columbiana County Health Department regulations regarding water and sewer systems and certificate held.
 - e) Siding/skirting to ground of approved nonflammable building materials.
 - f) The Conditional Use Permit automatically expires when the permit holder ceases to use the Mobile Home as his/her primary residence.
- 5) Refuse dumps are subject to:
- a) Express written permission from the owner shall be obtained to use the property as a dump.
 - b) A suitable all-weather access road to the dumping area shall be provided and maintained.
 - c) Garbage, dead animals, and other putrescible material shall not be disposed at this dump unless immediately compacted and buried under 24" of dirt.
 - d) The working face of the dump shall be covered periodically (not less than three times a week).
 - e) The area being actively used for dumping shall be drained and dry during the dumping operation.
 - f) No material shall be dumped closer than 150 feet to any source of water or free flowing stream.

- g) All precaution shall be taken against fire, and should fire accidentally occur, it shall be promptly extinguished.
 - h) All necessary measures shall be taken to control blowing papers.
 - i) The surroundings shall be kept neat and clean.
 - j) The covered area shall be uniformly graded in such a way that there is no pocketing of water.
 - k) Roadside stands, offering for sale products produced on the premises, and other products at the discretion of the Board of Zoning Appeals.
- 6) Outdoor wood burning furnaces may be permitted as long as the following standards are met:
- a) No person shall operate an outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation.
 - b) All new furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
 - c) The owner of any new furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Inspector prior to install.
 - d) All new furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
 - e) If an existing furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the owner shall cease and desist operating the unit until reasonable steps can be taken to ensure that the furnace will not be a nuisance.
 - f) Fuel burned in any new or existing furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
 - g) The following fuels are strictly prohibited in new or existing furnaces:
 - (i) Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - (ii) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - (iii) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (iv) Rubber, including tires or other synthetic rubber-like products.
 - (v) Newspaper, cardboard, or any paper with ink or dye products.
 - (vi) Any other items not specifically allowed by the manufacturer or this provision.
 - h) Setbacks for any new furnace (models not EPA OWHH Phase 1 Program Qualified) shall be as follows:
 - (i) The furnace shall be located at least 75 feet from the property line.

- i) The furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
- j) The furnace shall be located at least 150 feet from any residence that is not served by the furnace.
- k) Chimney heights for new and existing furnaces shall be as follows:
 - (i) The chimney of any new furnace shall extend at least two (2) feet above the peak of any residence not served by the furnace located within 300 feet of such furnace.
 - (ii) If there is an existing furnace already installed and there is new construction of a residence not served by the furnace within 300 feet of such furnace, then the owner of such furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Inspector.
 - (iii) Setbacks for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - (a) The furnace shall be located at least 25 feet from the property line.
 - (b) The furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
 - (iv) Chimney heights for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - (a) The EPA OWHH Phase I Program qualified model chimney shall extend at least two (2) feet above the peak of the residence for which it serves. If neighboring residences not served by the furnace are located within 300 feet the chimney, it shall extend at least 2 feet above the peak of any such residences.
 - (v) Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase I Program Qualified models.

C) SIGN REGULATIONS

- 1) Purpose. The purpose of these resolutions is to protect property values, support a more attractive economic and business climate, enhance and protect the community's physical appearance, and promote traveler safety on roadways by regulating the use, location, and size of outdoor advertising and signs of all types.
- 2) Limitations. Township authority and regulation of the following signs is limited by the Ohio Revised Code: Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation, shall be exempted from these resolutions. Signs along primary highways shall conform to the requirements of the Ohio Revised Code, and Resolutions. Billboards and/or other outdoor advertising signs shall be permitted only in Agriculture, Business/Commercial or Industrial Zoning Districts.
- 3) General Signage Requirements
 - a) A sign advertising a product or service shall be permitted only on the premises where that product or service is sold or distributed, except for outdoor

- advertising, real estate and event signs that are placed in compliant locations off-site with property owner permission.
- b) Any illuminated sign or lighting device shall only emit light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights, with the exception of a message center consisting of time, temperature, or public information.
 - c) No sign shall project a distance of more than two (2) feet from the front or face of any building.
 - d) No sign shall be placed on the roof of any building, unless the supporting structure is a continuation of the building face.
 - e) No portable or temporary sign shall be placed on the front, face, or roof of any building or on any premises except as provided for in these resolutions.
 - f) No sign shall project over or obstruct any windows or doors of any building or attach to or obstruct any fire escape.
 - g) All signs shall be plainly marked with the name of the person, firm, or corporation responsible for its maintenance. Upon receipt of a written notice from the Zoning Inspector, a sign shall be put into a safe and secure condition or removed within ten (10) working days from the date the notice is received.
 - h) Signs shall not obstruct traffic sight lines or control lights at street intersections or signals at railroad crossings. Signs shall not in any way resemble traffic or directional signals.
 - i) No sign shall be located within any public right-of-way except as indicated above. Signs directing and guiding traffic shall be permitted on private property provided they do not contain advertising material.
 - j) No sign shall be located closer than ten (10) feet to any side or rear property line, except directional signs for ingress to or egress from parking areas.
 - k) Directional signs shall not exceed thirty-six (36) inches in height and five (5) feet in width.
 - l) When a business no longer exists, the owner or lessee of the premises upon which the sign is located when the business advertised shall remove the sign.
- 4) Measurement of Sign Area – A sign's surface area shall be computed by including the entire area within a regular, geometric form comprising all of the display area of one side of the sign and including all elements of the matter displayed including any frame. Structural members shall be excluded from computation of the surface area. Allowable surface area shall be measured on only one side of a two-sided sign. The area of all signs on a property shall be added together in the computation of the sign area. Where consisting of individual, unconnected letters affixed to a structure or free standing, a sign's surface area shall be the sum of the surface areas of the rectangles enclosing each individual letter and/or frame and shall exclude the space between such rectangles.
- 5) Signs Not Requiring a Zoning Certificate – The following signs do not require a zoning permit:
- a) One name plate not to exceed three (3) square feet in total size shall be permitted for each dwelling.

- b) One unlighted real estate sign not to exceed six (6) square feet in total area, pertaining to the sale, lease, or rent of a particular building, property, or premise is permitted and shall be removed within one (1) week of final sale of property.
 - c) A single sign denoting the architect, engineer, contractor, developer, or realtor, placed on the premises where construction, repair, or renovation is in progress, shall not exceed fifteen (15) square feet in total area.
 - d) Signs directing a guiding traffic shall be permitted on private property, but shall not contain any advertising message, except the name or logo of a business or establishment.
 - e) Political signs shall not exceed sixteen (16) square feet in total area They shall not be erected more than thirty (30) days before election day and must be removed within forty-eight (48) hours after the election.
- 6) Signs Requiring a Zoning Certificate, Applicable in any District – The following signs require a Zoning Certificate:
- a) One announcement sign or bulletin board, lighted or unlighted of not more than thirty-two (32) square feet in area shall be permitted for any church, school, community center, or other public building. Signage shall be located on its premises and shall be located no closer than ten (10) feet to any street right-of-way.
 - b) One unlighted name plate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a “home occupation.” Signage shall be attached to the dwelling structure.
 - c) One unlighted sign, not more than fifteen (15) square feet in area, in conjunction with a roadside stand, used to advertise seasonal agricultural sales. Signage shall be located on the same premises as the stand and at least ten (10) feet from all street right-of-way lines. Signage shall be removed at the conclusion of the seasonal sales.
- 7) Signs in Business/Commercial and Industrial Districts Requiring a Zoning Certificate
- a) Only on exterior wall sign may be erected which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked and sold on the premises. Signage may be affixed flat against the wall of the building, or may project outward not more than two (2) feet. The bottom of a projecting sign shall be at least ten (10) feet above the ground or pavement level adjoining the building. Permanent painted wall signs for any single business enterprise area is limited to four (4) square feet of sign area for each lineal foot of building wall, occupied by such sign, but shall not exceed a maximum area of six hundred (600) square feet
 - b) Only one (1) pole-type or free standing business sign, adjacent to a public street, which advertises a business or service conducted upon the premises and/or advertises products, merchandise, or commodities stocked or sold on the premises shall be permitted, provided it does not exceed an area of two hundred (200) square feet and shall not be more than thirty-five (35) feet in height No part of the sign shall be located closer than ten (10) feet to any street right-of-way.
- 8) Billboards and Outdoor Advertising – Billboards and outdoor advertising signs shall be located within the allowable building area. No part of the sign or supporting structure shall extend beyond the allowable building area. However, signage shall-

not be located closer than fifty (50) feet to any adjacent premises. Signage shall not exceed a gross area of six hundred seventy-five (675) square feet. No billboard or outdoor advertising sign shall be permitted which faces and is within five hundred (500) feet of, any entrance to any public park, public or parochial school, church or similar institution. No billboard or outdoor advertising sign shall be located so as to constitute a traffic or safety hazard.

- 9) Temporary and Portable Signs Requiring Permits – All signs of a temporary nature, excluding political signs such as posters, banners, promotional devices, and other signs of a similar nature, may be granted a temporary permit for a period not to exceed thirty (30) days subject to the following:
- a) Signage shall not be attached to fences, trees, utility poles, or the like and/or shall not be placed in a position that will obstruct or impair vision or in any manner create a hazard or disturbance to the health and welfare of the public.
 - b) No more than two (2) temporary sign permits shall be issued for any one property within a one (1) year period.
 - c) Temporary signs shall not be more than fifteen (15) square feet in area and shall not be placed closer than ten (10) feet from any street right-of-way.

D) LIGHTING REGULATIONS

- 1) Lighting shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.

E) LANDSCAPING AND FENCE REGULATIONS

- 1) All yards, front, side and rear, shall be landscaped. Landscaping shall include, but not be limited to, lawn grass.
- 2) All fences shall conform to the Ohio Revised Code.
- a) In any PUD, Business/Commercial, or Industrial District, fences, walls or hedges shall be permitted between the allowable building area and the street line.
 - b) Any fence along a property line abutting residential areas shall fall under the residential fence regulations.
 - (i) No fence in these Districts shall be higher than six (6) feet.
 - c) On fences not adjoining residential districts an additional one (1) foot of barbed wire may be added to the six (6) foot height.
 - d) No residential fences, walls or hedges shall be permitted in excess of six (6) feet in height.
 - e) No fence, wall or hedge between the front building line and front property line shall exceed three (3) feet in height.
 - f) No fence, wall or hedge shall be closer to any street right-of-way line than fifteen (15) feet.
 - g) In all Zoning Districts, all surrounding posts shall face the owner of the fence.
 - h) Fences are required around swimming pools in all Zoning Districts.
 - i) Newly constructed fences shall be constructed so that the entire structure and supporting members are maintained on the property, except when a notarized letter from the adjoining owner(s) stating support for a setback encroachment on the property line is provided or be within three (3) feet of an adjoining property line.

F) SEXUALLY-ORIENTED BUSINESS

1) Purpose – This section regulates sexually-oriented businesses to promote the health, safety, morals and general welfare of the Township's citizens and to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses in the Township. Provisions have neither the purpose nor effect of imposing a limitation or restriction on content of any communicative materials, including sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. There is convincing, documented evidence that sexually-oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and down-grading of property values. The Board of Trustees desire to minimize and control these adverse effects and thereby preserve property values and character of surrounding neighborhoods, deter spread of suburban blight, protect citizens from increased crime, preserve quality of life, and protect health, safety and welfare of the citizenry.

2) Definitions

- a) Sexually-oriented business – A business that is designed and used to sell, rent, or show sexually explicit materials distinguished or characterized by an emphasis on “specified sexual activity,” or “specified anatomical areas” as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, or adult theater, or massage parlor, or massage business.
- b) Adult arcade – Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, mechanically, or manually controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by depiction or description of “specified sexual activities” or “specified anatomical areas.”
- c) Adult Bookstore or Adult Video Store – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe “specified sexual activities” or “specific anatomical areas”, or
 - (ii) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”
- d) Adult Cabaret – A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (i) Persons who appear in a state of nudity, or
 - (ii) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or
 - (iii) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

- e) Adult Motel – A hotel, motel or similar commercial establishment which:
 - (i) Offers accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, slides, or other photographic reproductions which are characterized by depiction or description of “specified sexual activities” or “specified sexual areas;” and has a sign visible from the public right of way, advertising availability of this type of photographic reproduction: or
 - (ii) Offers a sleeping room for rent for a period of time that is less than ten (10) hours;
 - (iii) Allows a tenant or occupant of a sleeping room to sub-rent or sub-lease a room for a period of time that is less than ten (10).
- f) Adult Motion Picture Theater – A commercial establishment where any film, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by depiction of “specified sexual activities” or “specified anatomical areas.”
- g) Adult Theater – A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons appearing in a state of nudity or live performances characterized by exposure of “specified sexual activity” or “specified anatomical area.”
- h) Massage – The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.
- i) Massage Parlor or Business - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, characterized by emphasis on matters and activities relating to “specified sexual activities” or “specified anatomical areas.”
- j) Nudity or a State of Nudity – Appearance of a human bare buttock anus, male or female genitalia, or female breast.
- k) Persons – Individuals, proprietorships, partnership, corporation, or any other legal entity.
- l) Semi-nude – A state of dress in which clothing covers no more than the genitalia, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps and devices.
- m) Specified Anatomical Areas – Male or female genitalia, anus, buttock or female breast.
- n) Specified Sexual Activity – Including
 - (i) Fondling or other erotic touching of human genitalia, pubic region, buttock, anus, or female breast, or
 - (ii) Sex acts, normal or perverted, actual or simulated, including sexual intercourse, oral copulation or sodomy; or
 - (iii) Masturbation, actual or simulated; or
 - (iv) Excretory functions as part of or in connection with any of the activities set forth above.
- o) Sexually-Oriented Devices – Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia designed principally for “specified sexual activities,” but shall not mean any contraceptive device.

- 3) Conditional Use Permit – The Board of Zoning Appeals may issue a conditional use permit for a sexually oriented business only in a business/commercial district in each particular instance and only on the following condition:
 - a) The business is located more than 1,000 feet from any church, a public or private school, nursery or day care center, boundary of a Residential or PUD District containing a residence as established by the Board of Township Trustees, the lot line of a lot containing residential uses, public park or playground, an existing sexually oriented business or one that has received a conditional use permit, any social services facility, neighborhood or community center, any, boundary of a residential district in a local government abutting the Township, or any structure that contains a residence.
 - b) All viewing booths and viewing areas in an Adult Arcade, Adult Book Store, Adult Video Store, Adult Motion Picture Theater, or Adult Theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall, or other enclosure.
 - c) No sexually oriented activities or materials may be sold, furnished, displayed to or involve any person under age of eighteen (18) years of age.
- 4) Conditional Use Permit Revocation
 - a) The Zoning Inspector shall revoke the conditional use permit for any sexually-oriented business if so determined pursuant to that action of the Board of Zoning Appeals.
 - b) The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of a sexually-oriented business has resulted in a violation of any provision of this Section. Within fifteen (15) days from notification, the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on this sexually-oriented business at least ten (10) days before the public hearing and if the Zoning Inspector referral to the Board of Zoning Appeals originated from a complaint by any resident of the Township, similar notice shall be served on the complainant at least ten (10) days before the public hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate. The Board of Zoning Appeals shall make a decision within thirty (30) days after the hearing and shall notify the sexually-oriented business, and if applicable, the complainant, within ten (10) days of such decision.

G) PARKING REGULATIONS

- 1) Off Street Parking and Loading – In all districts, in connection with every building or part thereof hereafter created, but not including single or duplex residential dwelling units, sufficient facilities shall be provided off street to meet all parking needs as specified below in this section.
 - a) Minimum Off-street-Parking Spaces Required
 - (i) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for each twenty-one (21) linear inches of benches or pews, except where occupancy standards are set by any Fire Marshall.

(ii) The parking space requirements for use not specifically specified in this Resolution shall be determined following “substantial similar uses.”

Business Related Uses	
Animal hospitals & kennels	One (1) for each 400 square feet of floor space & one for each two employees
Barber & beauty shops	Three (3) for each barber or beauty operator
Boarding, rooming, tourist, hotels, motels & bed and breakfast establishments	One (1) for each sleeping room plus one for each two employees
Business & professional offices	One (1) for each 200 square feet or fraction thereof, of floor area plus one for each two employees
Carry out restaurants	One (1) for each 200 square feet of floor area and one for each two employees
Drive-in restaurants	One (1) for each 125 square feet of floor area and one for each two employees
Sit-down restaurants	One (1) for each three (3) persons of capacity
Retail stores, personal service shops, health & recreation facilities	One (1) for each 400 square feet or fraction thereof, of floor area
Roadside stands	Four (4) spaces
Motor vehicle repair, service, sales facilities	One (1) for each 400 square feet of floor area and one for each employee.

Institutional Uses	
Child care, nursery schools, and similar uses	Four (4) for each 15 student capacity
Churches	One (1) for each four seats in principal auditorium
Clubs & lodges	One (1) for each 150 square feet or fraction thereof, of floor area

b) Driveway & Off-street Parking Design Standards

- (i) Parking space size - Each off-street parking space shall have an area of not less than one hundred seventy six (176) square feet, exclusive of access drives or aisles, and shall be hard surfaced.
- (ii) Setbacks – Location of off-street parking facilities may be located in required yards as specified elsewhere in this Resolution.
- (iii) Screening - In addition to required setbacks, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with landscaped buffer zone requirements.
- (iv) Paving -All required parking spaces, within seven hundred (700) feet of any dwelling unit, together with driveways, and other circulation areas, shall be hard surfaced.
- (v) Marking -All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Township Zoning inspector and shall be maintained in a clearly visible condition.
- (vi) Spacing - Driveways and parking areas shall be no closer than three (3) feet to any property line
- c) Off-street Storage Areas for Drive-in Service – Establishments which by their nature create lines of customer vehicles waiting to be served shall provide off-street queuing areas for a minimum of eight (8) vehicles.
- d) Loading & Unloading – Every building used for non-residential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading, unloading, and/or service purposes. Access to vehicle loading and unloading space shall be provided directly from a public or private street, alley, or right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of vehicles.
- e) Where off-street parking and loading requirements for a use are not specifically defined herein, parking and loading facilities for such use shall be developed so as to be sufficient to meet all parking and loading needs of the proposed use; no parking, loading, or unloading or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare.
- f) Motor Vehicles, Tractor Trailer Combinations, and Trailers – None of the following, which have been abandoned, wrecked, or dismantled shall be permitted to remain on the premises in any zoning district: automobiles, buses, motorcycles, trucks, tractors, boats, trailers, operating equipment, construction equipment, aircraft, furniture, or other miscellaneous material.
 - (i) None of the following described heavy motor vehicles shall be parked or stored in any “Residential District,” except while being loaded or unloaded.
 - (a) A motor vehicle having a rated carrying capacity of more than 2 1/2, tons.
 - (b) A motor tractor and/or trailer used for freight purposes.
 - (c) A bus, motor coach or trailer used for commercial purposes.
 - (ii) The following may be stored or parked in any Residential District with the stated conditions:
 - (a) Any vehicle stored Within an approved building or garage.

- (b) A utility trailer and travel trailers with a body not longer than thirty-one (31) feet, self-contained travel vehicles, pickup trucks with camper bodies, and boats and boat trailers shall be parked only within the allowable building area, but not between a residential building and any street.
 - (iii) In any Residential District, trucks, trailers, recreational vehicles, truck campers, boats, buses or coaches converted to recreational use which cannot be stored in approved buildings because of their size shall be subject to the following restrictions:
 - (a) Trucks larger than one (1) ton and recreational vehicles larger than 31 feet in length shall not be parked on the premises.
 - (b) A time limit of forty-eight (48) hours shall apply for the loading or unloading of recreational vehicles in the driveway.
 - (c) Only one (1) recreational vehicle or utility trailer, plus one (1) boat and boat trailer, shall be permitted on the premises at one time.
 - (iv) All motor vehicles, exclusive of recreational vehicles, shall be parked only on a driveway a private, hard-surfaced, access route leading from a public thoroughfare to a private garage or parking area in all Residential Districts.
 - (v) No recreational vehicle may be used as living quarters except as temporary living quarter to safeguard the premises while reconstructing a residence following a natural disaster or fire. Temporary quarters require a connection to water and sanitary sewer or septic systems and require a temporary trailer permit from the Township Zoning Inspector.
- 2) Portable Storage Units – Containers designed for the outdoor storage of personal property may be temporarily placed on a property for no more than thirty (30) days. If placed between a residence and the street, such shall not be placed for more than seven (7) days. No such unit shall be permitted to be used for residency. Containers shall only be permitted to be placed on driveway surface and shall not be located in the right-of-way or obstruct any sidewalk. The portable storage unit shall be no larger than one hundred and thirty (130) square feet in area and no higher than ten feet from grade.

H) PROHIBITED USES

- 1) The following uses are specifically prohibited in any Zoning District:
 - a) Any process of assembly, manufacture, treatment or incineration constituting a nuisance by reason of smoke, odor, dust, or noise, including, but not limited to: manufacture or refining of fertilizer, glue or gelatin, and/or tanning of hides or skins.
 - b) Any process of assembly, manufacture or treatment constituting a hazardous use including manufacture or bulk storage of fireworks, explosives and/or poisonous gases.
 - c) Storage of crude oil or any of its volatile products or other highly flammable liquids in above-ground tanks except in accordance with State regulations in respect thereto.

- d) Operation of junk yards, automobile grave yards or disassembly plants, and the storage of second-hand materials for sale unless the operation conforms to State regulations.
- e) Storage, bailing or treatment of garbage, junk, iron, rags, bottles and/or scrap paper, except within an approved structure.
- f) Any process, manufacturing, incineration or treatment constituting a nuisance by reason of the creation of liquid or gaseous wastes of objectionable, or polluting nature, defined as those wastes which adversely affect the bacteriological, chemical, or physical quality or potability of water or air in such a way as to take them unfit or undesirable for human consumption after conventional procedures of clarification, and/or filtration; or wastes which create any hazard, nuisance or detriment to the downstream residents and property on any lake, stream or river.
- g) Commercial incineration, treatment or remediation of any material, including, burning or heating soil or aggregate contaminated with petroleum or any other pollutant or industrial waste.
- h) Disposal, storage, shredding or processing of tires for commercial purposes.
- i) No property shall be used for commercial composting of yard waste, leaves, or any other like organic material, unless done pursuant to a contract with the Township providing for disposal of such products.
- j) Operation of any sanitary landfill.
- k) Storage, treatment, remediation, incineration or disposal of "infectious wastes", as defined in O.R.C., Section 3734.01 (R).
- l) Storage, treatment, remediation, incineration or disposal of "hazardous wastes", as defined in O.R.C., Section 3734.01 (J).
- m) Storage, treatment, remediation, incineration or disposal of "nuclear and radioactive wastes," as defined in ORC, Section 3734.01 (R).
- n) Agriculture is prohibited on any property less than one (1) acre in land area.
- o) The keeping of any animals that may be a danger to the health and welfare of the citizens.

SECTION XVI. NON-CONFORMING BUILDING AND USES

The use of any building or land at the time of the enactment of the Resolution may be continued although such use does not conform to the provisions of this Resolution for the district in which such non-conforming use is located, subject to, however, the following provisions:

- A) Construction Started Prior to the Resolution – Nothing herein contained shall require any change in plans, construction, or use of a building, the actual construction of which shall have been begun prior to the adoption of this Resolution and which entire building shall be completed according to such original plans within six (6) months of said time of adoption or shall be made to comply with all restrictions of the Zoning Resolution.
- B) Reconstruction, Alteration, and Extension of a Non-Conforming Building or Structure – A non-conforming building or structure may not be reconstructed, altered, or extended except when damaged by fire, explosion, riot, flood, or similar other cause; provided such reconstruction is started within one (1) year and is completed within two (2) year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Resolution.
- C) Abandonment – Whenever a non-conforming use has been discontinued for a period of two (2) years, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Resolution.
- D) Changes – Once changed to a conforming use no building, land or other structure shall be permitted to revert to a non-conforming use, subject to the following:
 - 1) Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, providing that the cubic content existing when it became non-conforming shall not be increased.
 - 2) Any building or structure existing as a non-conforming use at the time the zoning Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction.
 - 3) No new non-conforming use may be added to, substituted for, and existing non-conforming use.
- E) Discontinuance – A use that is 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.
- F) Lot of Record – When a lot is an official lot of record at the time of adoption of the Zoning Resolution does not comply with the area, yard, or other requirements of the Zoning Resolution, such lot may be used as a building site provided, however, that the yard and other requirements of the district are compliant.
 - 1) Front, Rear and Side Yards – Nothing in this Resolution shall prevent the use for single family residence purposes of a lot plotted prior to the time of the enactment of this Resolution; however, the front yard, rear yard and side yard requirements as stipulated in for the District in which it is located shall be met unless proper application for a variation of these requirements is made to the Township Board of Zoning Appeals and sufficient reasons are presented to convince the Board that such variation is warranted and should, therefore, be granted.

SECTION XVII. ADMINISTRATION AND ENFORCEMENT

The Board of Township Trustees shall appoint a zoning inspector who shall be responsible for the administration and enforcement of the provisions of this Resolution. The Zoning Inspector shall have the following standard operating procedures and duties:

- A) Zoning Permits – The zoning inspector shall be responsible for review and approval or denial of any zoning permit applications filed for consideration. Submission of such permits shall be subject to required submission of forms, fees and supporting information as required by the Board of Township Trustees, with the following limitations:
- 1) A zoning permit shall hereinafter be secured from Township Zoning Inspector prior to construction, erection, reconstruction or major alteration of any non-farm building or structure or part thereof in the township, when the cost of materials is valued at five hundred (500) dollars or more. Used material must be valued the same as new material. A permit shall be secured before the construction or erection of any sign or billboard. All requests for zoning permits shall be made in writing by the owner or by his authorized agent and shall include a statement of the use or intended use of the building, or structure after construction, erection, reconstruction, or major alteration, and shall be accompanied by a sketch plan, showing the proposed building line in its exact relation to lot and street lines as well as satisfactory evidence that the line or lines of the bounding street or streets has or have been accurately located on the ground. No zoning permit shall be issued unless the individual or company requesting same owns or controls an existing parcel of ground or a newly approved subdivided lot of sufficient size to comply with the requirements of this Resolution.
 - 2) Permits must be approved or denied within 30 days of application.
 - 3) Zoning inspector shall file and safely keep copies of all plans submitted and the same shall form a part of retained zoning permit records. Such records shall be available for public inspection.
 - 4) If construction is started before a permit is obtained on a structure that requires a permit a penalty shall be applied amounting to the cost of the original permit for the first offense. For the second offense the penalty shall be two (2) times the cost of the original account.
 - 5) After the zoning permit is issued any subsequent changes in building plans must be presented to the zoning inspector for approval before such changes are made.
- B) Certificates of Zoning Compliance – At any time a property owner may seek a Certificate of Zoning Compliance and such will include a written report by the Zoning Inspector indicating the compliance of the property with the Zoning Resolution, itemizing any non-conformities, alleged violations or pending considerations.
- 1) With the issuance of a Zoning Permit, the zoning inspector may withhold the right to occupy a structure until a Certificate of Zoning Compliance is requested and properly issued.
 - 2) The zoning inspector may have up to thirty (30) days after request to issue a Certificate of Zoning Compliance.

- C) Enforcement – Upon finding that any of the provisions of the Zoning Resolution are being violated, he/she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
- 1) The zoning inspector shall regularly and upon any complaint inspect site conditions of all properties within the unincorporated township for compliance with required standards of the Zoning Resolution.
 - 2) If a violation is found the zoning inspector shall order discontinuance of illegal uses of land, buildings, or structures, order removal of illegal buildings or structures or illegal additions or structural alterations, and order discontinuance of any illegal work being done. If the violation is not corrected, the zoning inspector shall take any other action permitted Section XXII and other applicable laws to ensure compliance with or to prevent violation(s) of the Zoning Resolution.
- D) Administrative Appeal – If provided notice that an action is subject of an administrative appeal, the Zoning Inspector shall promptly provide the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION XVIII. BOARD OF ZONING APPEALS

- A) Authorization – There is hereby created a Board of Zoning Appeals of five (5) members, and up to two (2) alternates, to be appointed by the Board of Trustees. Members shall be residents of the unincorporated area of the township included in the area zoned. The terms of each member shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term.
- B) Rules of Procedure – The Board of Zoning Appeals shall organize, and adopt rules of procedure in accordance with the provisions of the Zoning Resolution.
- C) Duties – For the purpose of the Zoning Resolution the Board of Zoning Appeals has the following specific responsibilities:
- 1) To hear and decide an "administrative appeal" where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
 - 2) To authorize a "variance" from the area requirements of the Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of the Zoning Resolution will result in practical difficulty, and so that the spirit of the Zoning Resolution shall be observed and substantial justice done. No variance of permitted or conditionally permitted land uses shall be permitted.
 - 3) To grant a "conditional use permit" as specified in the district regulations and under the conditions specified in the Zoning Resolution, after applying such additional safeguards necessary to uphold the intent of the Zoning Resolution.
 - 4) To grant a "substitution of a non-conforming use permit" allowing for legal replacement of a non-conforming use existing at the time of enactment of the Zoning Resolution by another similar or less objectionable non-conforming use.
- Under no circumstances shall the Board of Zoning Appeals grant an appeal, variance or permit to allow a use not permissible under the terms of the Zoning Resolution.
- D) Administrative Appeals – Appeals to the Board of Zoning Appeals concerning interpretation or administration of the Zoning Resolution may be taken from any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector, subject to the following immediate procedure:
- 1) Such appeal shall be taken within twenty (20) days after the relevant decision(s) by filing, with the Zoning Inspector who shall transmit to the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken.
 - 2) Immediately upon receipt of an administrative appeal, the Zoning Inspector shall issue a stay of all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Appeals after the notice of appeal is filed with him/her, that by reason of factor stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed other than by a restraining order granted by the Columbiana County Court of Common Pleas.
 - 3) Within 20 days of receipt, the Zoning Inspector shall deliver by Certified Mail to the Board of Appeals and applicant(s) for appeal all public record(s) relevant to the action of which the appeal was taken.

In evaluating such application for administrative appeal, the Board of Zoning Appeals will have the full authority of the Zoning Inspector and shall conduct a review of applicable portions of the Zoning Resolution to affirm or overturn the action of the Zoning Inspector.

- E) Variances – The Board of Zoning Appeals may authorize upon application in specific cases such variance from the terms of the Zoning Resolution. To grant a variance, the Board of Zoning Appeals must determine that such will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Zoning Resolution would result in practical difficulty.
 - 1) No such variance of the provisions or requirements of the Zoning Resolution shall be authorized unless the Board of Zoning Appeals finds, beyond reasonable doubt that all the following facts and conditions exist:
 - a) Whether the property will yield a reasonable return or whether there is beneficial use of the property without the variance.
 - b) Whether the variance is substantial.
 - c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 - d) Whether variance would adversely affect the delivery of governmental services.
 - e) Whether the property owner purchased the property with the current restrictions in place.
 - f) Whether the property owner's predicament can be remedied through method other than a variance.
 - g) Whether the spirit and intent of the zoning requirement would be observed and whether substantial justice would be done by granting the variance.
- F) Conditional Use Permit – Wherever it is stated in the Zoning Resolution, certain conditional uses may be permitted in a District. Where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of a Comprehensive Plan.
 - 1) In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the Zoning Resolution and is punishable.
 - 2) A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. A Conditional Use Permit must be reviewed for compliance ninety (90) days after issued and within three (3) years of issue date by the Zoning Inspector. The Zoning Inspector can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three (3) years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.
 - 3) If the property is sold, the new owner shall come before the Board of Zoning Appeals to review the Conditional Use Permit thereby acknowledging the conditions imposed

on the property. Failure of the new owner to appear before the Board of Zoning Appeals may lead to the Board of Zoning Appeals revoking the CUP requiring application for a new CUP.

- 4) The BZA may revoke a Conditional Use Permit, in accordance with Ohio Revised Code 519, for reasons including:
 - a) Repeated violations of Conditional Use Permit;
 - b) Change in the nature of the activity beyond the extent of the Conditional Use Permit;
 - c) Nature or size of activity becomes intrusive to neighbors or community; or
 - d) The approved use is discontinued for a period of more than one (1) year.
- G) Substitution of a Non-Conforming Use – The Board of Zoning Appeals may grant a substitution of a non-conforming use, provided that application is made within two (2) years of the use terminating.
 - 1) Such application for a substitution of a non-conforming use may be approved, conditionally approved or rejected, based on the following criteria:
 - 2) No structural alterations, except those required by law or Resolution, shall be made;
 - 3) The proposed substitution of use shall be equally appropriate to the current zoning district as the existing nonconforming use; and
 - 4) Provided that the substituted use shall be of the same or of a more restricted classification.
- H) Temporary Permit – A temporary permit may be authorized by the Board of Zoning Appeals for a period not to exceed one (1) year, for non-conforming uses incidental to housing and construction projects and including, but not limited to, such structures and uses as house trailers, storage of building supplies, machinery, or a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structures upon the final expiration of the permit, and discontinue the use or uses. Such permit may be annually renewed for a period of two (2) years.
- I) Process – For any application received by the Board of Zoning Appeals, the following process shall be followed:
 - 1) The Zoning Inspector shall deliver the application, in duplicative form, to each member of the Board of Zoning Appeals and Fiscal Officer, certifying that it is complete with the following items:
 - a) Name, address, and phone number of applicant(s);
 - b) Legal description of property;
 - c) Existing zoning district;
 - d) Description of existing use and request for administrative appeal, variance, conditional use permit or substitution of a non-conforming use permit;
 - e) A site plan (if required) depicting any proposed improvements showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information required to determine if the proposed improvements meet the intent and requirements of the Zoning Resolution;
 - f) A narrative statement evaluating the criteria for approval in relationship to the effects on adjoining property and the relationship of the proposed use to the Comprehensive Plan; and

- g) The required application fee.
- 2) The Board of Zoning Appeals shall schedule and hold a public hearing within a reasonable period of time after the receipt of the application from the Zoning Inspector.
- 3) Before holding the public hearing, the Zoning Inspector shall ensure notice of such hearing setting forth the time and place of the public hearing and the nature of the application shall be:
 - a) Published In one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing;
 - b) By standard U.S. Mail, postmarked at least ten (10) days before the date of said hearing, to:
 - (i) The applicant;
 - (ii) All members of the Board of Zoning Appeals;
 - (iii) Any known party with an interest in an administrative appeal application;
 - (iv) Property owner(s) and residents adjoining and directly across the road of property subject to a variance application; and
 - (v) Property owner(s) and residents within 500 feet of property subject to a conditional use or substitution of a non-conforming use permit application.
- 4) The Board of Zoning Appeals shall decide all applications within a reasonable time after the final hearing thereon, in accordance with the following procedure:
 - a) The Board of Zoning Appeals shall make a written finding of fact, outlining all information of record considered in rendering their decision;
 - b) The Board of Zoning Appeals Chair shall provide a certified copy of the Board's decision to the applicant(s) or appellant(s) and to the Zoning Inspector within five (5) days of the decision;
 - c) Such decisions shall be binding upon the Zoning Inspector and observed by such;
 - d) The Zoning Inspector shall incorporate the times and conditions of the same in the certificate to the applicant whenever a certificate is authorized by the Board; and
 - e) A decision of the Board shall be effective upon delivery of this certified copy to the applicant(s) or appellant(s).
- 5) Appeals from the Board of Zoning Appeals decisions shall be made through the Columbiana County Court of Common Pleas within thirty (30) days of becoming effective.

SECTION XIX. ZONING COMMISSION

- A) Authorization – There is hereby created a Zoning Commission of five (5) members, and up to two (2) alternates, to be appointed by the Board of Trustees. Members shall be residents of the unincorporated area of the Township included in the area zoned. The terms of each member shall be five (5) years and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term.
- B) Rules of Procedure – The Zoning Commission shall organize and adopt rules of procedure in accordance with the provisions of the Zoning Resolution.
- C) Duties – For the purpose of the Zoning Resolution the Zoning Commission shall have the following duties:
- 1) Maintain the Comprehensive Plan for Perry Township;
 - 2) Initiate proposed amendments to the Zoning Resolution and/or Map, as necessary to ensure conformance with the Comprehensive Plan; and
 - 3) Review all proposed amendments to the Zoning Resolution and/or Map and make recommendations to the Board of Trustees as specified in Article XVIII.
- D) Process – For any application received by the Zoning Commission, the following process shall be followed:
- 1) The Zoning Inspector shall deliver the application, in duplicative form, to each member of the Zoning Commission, Board of Trustees and Fiscal Officer, certifying that it is complete with the following items:
 - a) Name, address, and phone number of applicant(s);
 - b) Legal description of property;
 - c) Existing zoning district;
 - d) Proposed zoning district, if applicable;
 - e) Description of existing use and request for administrative appeal, variance, conditional use permit or substitution of a non-conforming use permit.
 - f) A site plan (if required) depicting any proposed improvements showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information required to determine if the proposed improvements meet the intent and requirements of the Zoning Resolution;
 - g) A narrative statement evaluating conformance with the Comprehensive Plan and compliance with the Zoning Resolution in relationship to the effects on adjoining property; and
 - h) The required application fee.
 - 2) The remaining procedure is outlined in ORC 519.12.

SECTION XX. ELECTED OFFICIALS

- A) Delegated Interpretation – The duties of the Board of Trustees and Fiscal Officer in connection with the Zoning Resolution shall not include hearing and deciding questions of interpretation and enforcement issues. The duty of interpretation and enforcement is delegated to the Zoning Inspector. If the role of Zoning Inspector is not filled by an appointed candidate, the role of Zoning Inspector is temporarily delegated to the Fiscal Officer until a Zoning Inspector is appointed by the Board of Trustees.
- B) Role of Trustees – In respect to the Zoning Resolution, the Board of Trustees shall have only the duties of:
- 1) Considering and adopting or rejecting proposed amendments to the Zoning Resolution and/or Zoning Map;
 - 2) Repeal of the Zoning Resolution, as provided by law;
 - 3) Employment decisions regarding the Zoning Inspector and any assistant(s) necessary to perform the duties;
 - 4) Appointment and removal of members of the Zoning Commission;
 - 5) Appointment and removal of members of the Board of Zoning Appeals; and
 - 6) Establishing proper application forms and a schedule of fees and charges.
 - 7) Removal of Appointed Members - The members of the Zoning Commission and Board of Zoning Appeals may be removed from office by the Board of Trustees, prior to the expiration of their official term. To remove a member prior to expiration of their term written charges of removal shall be delivered to the member by Certified Mail. Prior to removal, the member has the right to request a public hearing before the Board of Trustees within 20 days of receipt of the written charges. If requested such hearing shall allow the Board the opportunity to reverse such action. If no hearing is requested or if a majority of the Board of Trustees affirm the removal after the public hearing, the member shall be immediately removed from their appointment and a successor shall be appointed within 30 days.
- C) Role of the Fiscal Officer – In respect to the Zoning Resolution the Fiscal Officer shall have only the duties of:
- 1) Maintaining an official public record of all applications, permits, meeting minutes and other documents received, generated and/or distributed by the Zoning Inspector, their assistant(s), the Zoning Commission and/or Board of Zoning Appeals;
 - 2) Receiving, depositing and auditing fees and charges collected by the Zoning Inspector;
 - 3) Maintaining contact information and employment records for all employees, including appointed board members; and
 - 4) Responding to public record requests, as required by applicable statutes.

SECTION XXI. AMENDMENTS, SUPPLEMENTATION OR REPEAL OF ZONING RESOLUTION

The Board of Township Trustees may amend or supplement this Resolution in accordance with the provisions of Section 519:12 O.R.C., as amended in July, 1956, and in September, 1957, or any future amendments or supplements thereto, when such action is necessary. Any Zone change which is disapproved by the Board of Township Trustees shall not be resubmitted for the same area, or revised area which includes the original area, for a minimum period of one (1) year from the date of final action by such Board.

- A) Initiation of Amendments or Supplements – Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefor by the Board of Trustees, or by the filing of an application therefor by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission.
- B) Procedure for Change – Applications for amendments or supplements to the Zoning Resolution shall be submitted to the Zoning Commission upon such forms and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the application.
- C) Names and Addresses of Property Owners – Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the County Auditor's current tax list.
- D) Public Hearing by the Zoning Commission – Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) days, nor more than forty (40) 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 hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of such hearing.
- E) Written Notice – If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first-class mail, at least ten (10) days before the date of the public hearing to all owners of property within and within 500 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice, is all that is required. The published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

- F) Transmittal to Regional Planning Commission – Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof together with a text and a map pertaining thereto to the Regional Planning Commission.
- G) Action by Regional Planning Commission – The 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 Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
- H) Public Hearing by Zoning Commission – The Zoning Commission shall, within thirty (30) 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 Regional Planning Commission thereon to the Board of Trustees.
- I) Public Hearing by Board of Trustees – The Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.
- J) Public Notice – If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

- K) Action by Board of Trustees – Within twenty (20) days after the public hearing, the Trustees shall either adopt or deny or adopt with modifications the recommendation thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Board of Trustees shall be required.
- L) Effective Date of Amendment or Supplement; Referendum – Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of registered electors residing in the unincorporated area of Perry Township equal to not less than eight percent (8%) of the total vote cast for all candidates in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or supplement to the electors of such area for

approval or rejection at a special election to be held on the day of the next primary or general election.

- M) Submission of Petition to Board of Trustees – The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.
- N) Result of Referendum – 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 or supplement. Upon certification by the Board of Elections that the amendment or supplement has been approved by the voters, it shall take immediate effect.
- O) Fees – Each application for a zoning amendment or supplement, except those initiated by the Zoning Commission or Board of Trustees, shall be accompanied by the required application fee for such.

SECTION XXII. VIOLATIONS AND PENALTIES

- A) Prohibition Against Violations – No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained or used and no land shall be used in violation of this Resolution subsequent to its adoption by the voters of Perry Township.
- B) Violation of any provision of this Resolution or any amendment or supplement thereto, shall constitute a misdemeanor, and each day the violation continues shall be deemed a separate offense, and each offense shall be punishable by a fine of no more than five hundred (500) dollars.
- C) Actions Instituted to Prevent Violation of Zoning Resolution 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 without a permit in violation of this Resolution, the Board, Board of Township Trustees, the Prosecuting Attorney of the County, The Township Zoning Inspector, or any adjacent 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, or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

APPENDIX A – ZONING MAP