

**TOWNSHIP of WEATHERSFIELD**

**TRUMBULL COUNTY  
STATE OF OHIO**

## **ZONING REGULATIONS**

First Adopted 1956  
Last Revised Effective June 10, 2025

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## *PREFACE*

Pursuant to Ohio Revised Code Chapter 519, the Weathersfield Township Board of Trustees hereby adopts these Zoning Regulations for the purposes stated within Ohio Revised Code § 519.02, as follows:

For the purpose of promoting the public health, safety, and morals, the Board of Trustees may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories, and size of buildings and other Structures, percentages of Lot Areas which may be occupied, Setback building lines, sizes of yards, courts, and other Open Spaces, the Density of population, the uses of buildings and other Structures, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such Township, and for such purposes may divide all or any part of the unincorporated territory of the Township into Districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other Structure or use throughout any District or zone, but the regulations in one District or zone may differ from those in other Districts or zones.

In addition, the Weathersfield Township Board of Trustees accepts and adopts as a part of these Regulations, the Zoning Map of Weathersfield Township, which shall define the boundaries of the following Districts which are established within these Regulations:

AGRICULTURAL-SUBURBAN ESTATE RESIDENTIAL DISTRICT (A-SER) - To preserve and protect the decreasing supply of prime Agricultural land and Open Space, and to permit a degree of low Density development of a rural residential nature.

RESIDENTIAL A DISTRICT – SINGLE-FAMILY DWELLINGS (RES-A) – To encourage the establishment of low Density Single-Family Dwellings.

RESIDENTIAL B DISTRICT– ONE AND TWO-FAMILY DWELLINGS (RES-B) - To permit the establishment of medium Density Single-Family and Two-Family Dwellings.

RESIDENTIAL C DISTRICT – MULTI-FAMILY DWELLINGS (RES -C) - To permit the establishment of Multi-Family Residential Dwellings. It is the intent of these Regulations that the overall size of any RES-C District be limited in order to prevent over-concentration when future zoning requests are considered.

RESIDENTIAL D DISTRICT – MOBILE HOME PARKS/MANUFACTURED HOME DEVELOPMENTS (RES-D) - To establish suitable sites for Mobile Home Parks and Manufactured Home Developments at appropriate locations, considering the existing and potential development of their surroundings, community facilities, and relation to other land Uses.

COMMERCIAL A DISTRICT – PROFESSIONAL OFFICES (COM-A) - To encourage the establishment of professional, administrative, clerical and similar Uses; and also to encourage the establishment of limited pocket areas for small convenient businesses which are intended to meet the daily or regular needs of the residents of an immediate neighborhood. It is intended to encourage Use by pedestrians as well as the motoring resident. It is recognized that this District can be effectively used as a transitional Buffer between more intense Business Districts and Residential Districts.

COMMERCIAL B DISTRICT – GENERAL BUSINESS (COM-B) - To encourage the establishment of areas for general business Uses to meet the needs of both regional and local market areas. Activities in this District are often large space users with limited and controlled access to the adjacent Street.

INDUSTRIAL A DISTRICT – LIGHT INDUSTRIAL, STORAGE AND WAREHOUSE (IND-A) - To encourage the establishment and development of light industrial, storage, and warehousing Uses. Uses permitted in the Industrial A District are to be establishments for industrial, manufacturing, processing, storage and warehousing, the principle operation of which is performed within enclosed Structures.

INDUSTRIAL B DISTRICT – MAJOR INDUSTRIAL, LANDFILLS AND INJECTION WELLS (IND-B) - To encourage the establishment and development of appropriate locations for major industrial, manufacturing, landfill, recycling, construction and demolition debris storage management sites, and oil & gas operations including injection wells. Activities in this District are often large space users with limited and controlled access to the adjacent major state and federal highways, as well as Arterial County and Township highways.

No provision of these Regulations shall be interpreted as superseding any greater restriction or resolution contained in any deed or plot restriction, any resolution of the Weathersfield Township Board of Trustees, or any regulation, requirement, or order of any other governmental regulatory agency. Should there appear to be any conflict between such requirements, the most stringent standards shall apply.

Each part and provision of these Regulations, and each action taken pursuant to these Regulations, shall be severable and in the event that any such part, provision, or action should be ruled to be unconstitutional or invalid for any reason, the remaining provisions of these Regulations, along with all actions taken thereto, shall remain in effect.

By resolution passed on August 6, 2019, the Weathersfield Township Board of Trustees adopts these revised Regulations as the Weathersfield Township Zoning Regulations.

**Weathersfield Township  
Board of Trustees**

## ***DEFINED TERMS***

The following defined terms are part of this Zoning Regulation. For the purpose of interpreting these Regulations the following defined terms shall be controlling:

### **ACCESS DRIVE or ACCESS ROAD**

An Entrance or Exit from a public Thoroughfare to any business, business/commercial or industrial complex, or multiple Dwelling Structure.

### **ACCESSORY BUILDING OR STRUCTURE**

A subordinate Building or Structure, including those without a permanent foundation, detached from but located on the same Lot or parcel of land as the principal Building or Structure, the use of which is customarily incidental and accessory to that of the main Building or Structure. Accessory Structures include, but are not limited to, playground equipment, children's play houses, sports courts, decks, sheds, greenhouses, and gazebos.

### **ACCESSORY USE**

A gainful occupation or Use, not otherwise contrary to law, customarily incidental to the Permitted Use on the same Lot.

### **ACRE**

Land area, equal to 43,560 square feet, measured on the horizontal plane, and including land occupied by all natural and man-made features of landscaping.

### **AGRICULTURE**

The use of land for farming, Dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and Animal and Poultry Husbandry, pursuant to Ohio Revised Code § 519.01.

### **ALLEY**

A minor Street used primarily for vehicular service access to the back or side of properties abutting on another Street.

### **ANIMAL BOARDING**

A premises providing overnight care of animals for a fee or other consideration.

### **ANIMAL DAY CARE**

A premises providing short-term or daytime care, grooming, or training of animals for a fee or other consideration.

### **ANIMAL HUSBANDRY AND DAIRYING**

The use of land and/or Buildings for feeding, sheltering and keeping of any types of animals except domesticated household pets, whether or not for commercial, agricultural, or personal purposes.

### **ANIMAL RESCUE FOR DOGS, ANIMAL SHELTER FOR DOGS, HIGH VOLUME BREEDER**

All as defined in R.C. 956.01. All must obtain the required licenses and comply with the rules of the Director of Agriculture. The minimum lot size for any such facility is five (5) acres.

### **APPURTENANCE**

Something that passes with the land, commonly, a Right-of-Way or other type of easement and incidental right attached to a principal property and passing in possession with it; auxiliary or Accessory Building located on a Lot or parcel and not connected to the principal Structure

### **AREA VARIANCE**

An Area Variance authorizes a land owner to obtain a Variance to an area zoning requirement (i.e. Setback, Lot size, height restrictions and similar requirements) upon a showing that practical difficulties unreasonably deprive the owner of a Permitted Use of the property.

### **ARTERIAL STREET**

A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous Street

### **BASEMENT**

A Story, any walls of which are all or partially below the ground level of the adjoining ground

### **BED AND BREAKFAST**

An establishment located within a Single-Family Dwelling that is the principle residence of the operator, where short-term lodging is offered for compensation and which includes the service of one or more meals to guests.

### **BILLBOARD**

A sign promoting commercial or other activity conducted off of the lot on which the sign is located, or a sign on which the sign display space is made available in exchange for a fee or other consideration.

### **BOARD OF TRUSTEES**

Any reference to the Board of Trustees shall refer specifically to the Weathersfield Township Board of Trustees, which proceeds under Sections 519.01 to 519.99, inclusive, of the Revised Code, and which shall create and establish a Township Zoning Commission. The Commission shall be composed of members who reside in the unincorporated area of the Township, to be appointed by the Board and the terms of the members shall be of such length and so arranged that the term of one member will expire each year.

### **BOARD OF ZONING APPEALS**

Any reference to a Board of Zoning Appeals shall refer specifically to the Weathersfield Township Board of Zoning Appeals.

### **BOARDING HOUSE, ROOMING HOUSE OR LODGING HOUSE**

A Building, or part thereof, other than a Hotel, Motel or restaurant, for three or more unrelated persons, not transients, where no cooking or dining facilities are available in individual rooms.

### **BUILDING**

Any Structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, which is subject to regulation by the Ohio Building Code or the Residential Ohio Building Code. Building does not include a portable or temporary Structure such as a Portable Storage Unit, but does include a shed or other Accessory Structure, regardless of whether it is moveable.

### **BUFFER/BUFFERING**

An area that is established on a parcel of land for the purpose of promoting the health, safety and general welfare; and to further protect the aesthetic values of adjoining property.

### **CAMPGROUND**

Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; includes camps and summer camps.

**CARPORT**

A covered automobile Parking space not completely enclosed by walls or doors. Carports are prohibited in AG-SER, RES-A and RES-B districts. In districts where they are permitted, a Carport shall be subject to all provisions prescribed in these Regulations for a Garage.

**CEMETERY**

Land used or intended to be used for the burial of the human dead and dedicated for Cemetery purposes.

**CLINIC**

A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention who may be provided with board or room or kept overnight on the premises.

**CLUB**

A Building or portion thereof or premises owned or operated by a person or organization for social, literary, political, educational or recreational purposes, primarily for the exclusive use of members and their guests.

**COLLECTOR STREET**

A Thoroughfare, whether within a Residential, Commercial, Industrial or other District, which primarily carries traffic from local Streets to Arterial Streets, including the principal Entrance and circulation routes within Residential subdivisions.

**COMMERCIAL VEHICLE**

Any vehicle designed to carry a quantity of materials and/or personnel for business or commercial purposes, such as, but not limited to, a van, bus, pickup truck, semi-truck or trailer or similar vehicle.

**COMMON OPEN SPACE**

A parcel of land or area of water intended for the use and enjoyment of the occupants of a Mobile Home Park, Manufactured Home Park/Development, Campground or Planned Unit Development. Not to include any area within a Street or any required Front, Side, or Rear Yard.

**CONDITIONAL USE or CONDITIONALLY PERMITTED USE**

A Use permitted within a District other than a principally Permitted Use, requiring approval by the Board of Zoning Appeals. Certificate for such Use is to be issued by the Zoning Inspector when approved by the Board of Zoning Appeals.

**CONDOMINIUM:**

A Building or group of Buildings in which units are individually owned but the Structure, common areas, and facilities are owned on a proportional, undivided basis by all the owners, in accordance with the Ohio Revised Code § 5311.01.

**CORNER LOT**

A Lot located at the Intersection of two or more Streets. A Lot abutting on a curved Street or Streets shall be considered a Corner Lot if straight lines are drawn from the foremost points of the Side Lot Lines to the foremost point of the Lot meet at an interior angle of less than one hundred thirty-five (135) degrees. When determining Setbacks and permitted uses, both yards which adjoin a street shall be considered a Front Yard.

**COUNTY**

Any reference to the County shall refer specifically to Trumbull County, Ohio.

**COUNTY ENGINEER**

Any reference to the County Engineer shall refer specifically to the Trumbull County Engineer.

## **COUNTY HEALTH DEPARTMENT**

Any reference to the County Health Department shall refer specifically to the Trumbull County Health Department.

## **CUL-DE-SAC**

A local Street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn-around; an enlarged area of any Street intended to be used for the turning of emergency vehicles and/or vehicles. This area is usually located at the end of a Street or at the Intersection of two (2) Streets.

## **CUT-OFF FIXTURES**

Cut-Off Fixtures shall mean that the lighting fixture is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

## **DAY CARE CENTER**

Ministering to the needs of persons other than by their children, parents, guardians, custodians, or relatives for only part of the twenty-four (24) hour day, in a place other than the person's own home.

## **DEED RESTRICTIONS**

Deed Restrictions are private, contractual covenants which limit land Use and are placed on real property by affirmative action of the owner of the real property, for the benefit of that property only, with a typical intent to enhance the value of that real property. Deed Restrictions affect subsequent owners of the real property for a stated term, and for any extensions. There are no limitations on the nature of Deed Restrictions except for compliance with laws and public policies.

## **DELIVERY AREA**

An Off-Street space or berth on the same Lot with a Building, or contiguous to a group of Buildings, for the temporary Parking of a vehicle while loading or unloading merchandise or materials. Required Off-Street loading spaces and Delivery Areas are not to be included in the computation of required Off-Street Parking Areas. All Off-Street loading spaces and Delivery Areas shall be located totally outside of any Street or Right-of-Way.

## **DENSITY**

A measurement expressing or defining the number of units allowed per parcel of land.

## **DISTRICT**

A part, zone or geographical area within Weathersfield Township within which specific zoning or development regulations apply.

## **DRIVEWAY**

A paved a concrete or asphalt access route that leads from a public Thoroughfare to a Dwelling Unit, Building, Structure, Garage, or Parking Area.

## **DWELLING**

Any Building or Structure (except a House Trailer or Mobile Home) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**DWELLING UNIT**

Space, within a Dwelling, comprising living, dining, and sleeping rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities all used by only one Family and its household employees.

**EFFECTIVE DATE**

The date at which time these Weathersfield Township Zoning Regulations were initially adopted, and any dates thereafter of Amendments thereto.

**ENTRANCE**

The terminus of any Access Drive or Driveway which intersects with a dedicated public Right-of-Way or non-dedicated private drive.

**FAMILY**

One (1) person; a group of persons related by blood, marriage, or legal adoption; or a group of unrelated individuals living together as a single family unit, in a Dwelling Unit, living in a domestic relationship based upon a domestic bond; as distinguished from a group occupying a Club, fraternity, sorority, Hotel, Motel, Short-Term Rental or dormitory.

**FARM MARKET**

A stand used for the sale of agricultural produce where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, in accordance with ORC Section 519.21.

**FIRE DEPARTMENT**

Any reference to the Fire Department shall refer specifically to the Weathersfield Township Fire Department.

**FIRE INSPECTORS**

Fire Inspectors conduct inspections and document any violations on a "Hazard Warning Notice." Depending upon the severity of the violations of the code, a re-inspection date is scheduled with the goal that all violations are corrected "forthwith." If an owner/occupant refuses to correct the violations, the case would then be forwarded to the prosecutor for legal action.

**FIRE PREVENTION AUTHORITIES**

Any reference to Fire Prevention Authorities shall refer specifically to the Weathersfield Township Fire Prevention Authorities and the State Fire Inspector.

**FLOOR AREA**

The square feet sum of the gross horizontal areas of the one or several stories of a Building, measured from the exterior walls or from the centerline of common walls separating two (2) Buildings or sections of Buildings. Floor Area, for the purpose of these Regulations, shall not include unfinished Basements, elevators, attic spaces, terraces, breeze-ways, Open Porches, decks, uncovered steps and/or Garages.

**FOOD TRUCK**

A licensed, motorized vehicle or concession trailer where food items are sold to the general public (does not include mobile frozen food trucks; i.e., ice cream trucks).

**FRONTAGE**

The distance as measured along the designated Front Property Line of a Lot abutting a public Street or Road, or if the Lot is a Corner Lot or Through Lot, the distance is measured along the Street which the main

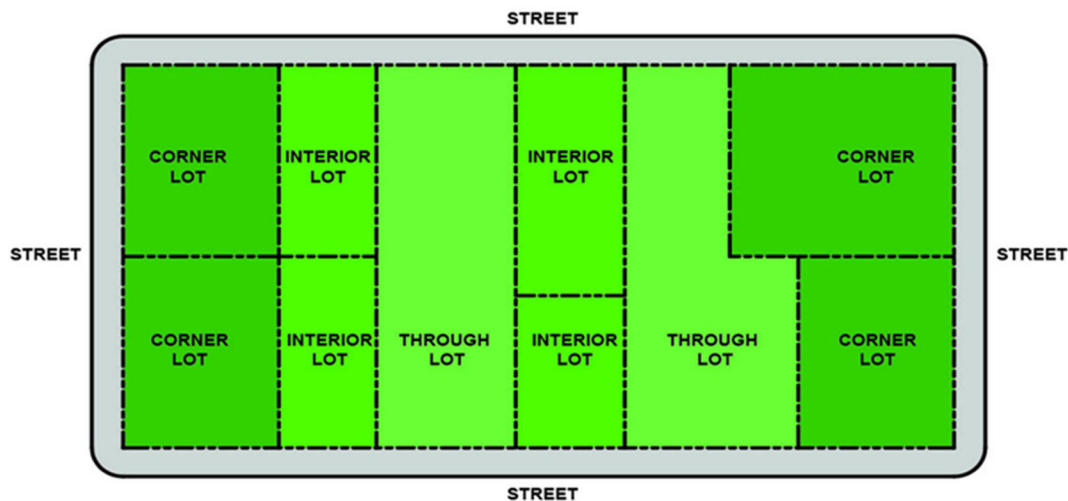


Building on the lot faces. Frontage does not include the end of a Street unless the Street ends in a cul-de-sac, in which case the Frontage is measured along the curve of the cul-de-sac.

### **KENNELS**

Any Lot or building where four (4) or more domesticated animals more than four (4) months of age are kept, housed, or maintained, and where such animals may be bred, groomed, socialized or trained.

### **LOT TYPES**



### **FRONT YARD**

The space between the building line or front main wall of a Building, exclusive of Open Porches, and the front Property Line. No Garages or Accessory Structures or Uses may be located in the Front Yard.

### **GARAGE**

A Building or space used as an accessory to a main Building, which can be attached or detached, permitted in any Residential District and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

### **GARAGE SALES**

Any sales conducted by the owner of the premises in Garage, yard, porch, lawn, or other terminology which may be applicable, in a Residential District.

### **GOVERNMENTAL AND PUBLIC BUILDINGS**

Public parks, public schools, public libraries, and all Buildings and lands used for the function of governmental agencies.

### **GREEN AREAS**

Areas of the parcel or Lot that shall be set aside for grass, plantings or other vegetation to be maintained exclusive of Driveways, Parking Areas, and Structures.

### **GROUP HOME**

A Dwelling Unit occupied as a single housekeeping unit in a Family-like environment by two (2) to twelve (12) persons with developmental, mental, or physical disabilities, plus a support staff. Owned or operated

by a non-profit organization, a for-profit private care provider, a government agency, or other legal entity other than the residents or the parents, legal guardians, or other individuals, and considered a relatively permanent living arrangement.

### **HEAVY EQUIPMENT**

Equipment used for business purposes, including vehicles such as cranes, back-hoes, bulldozers, earth-moving equipment, power shovels and related equipment; and fixed equipment used for business purposes such as a press or other such production machinery and related items used for business.

### **HOME OCCUPATION**

A business or commercial activity administered or conducted as an Accessory Use entirely within the Dwelling by the occupants thereof, which Use is clearly incidental and subordinate to the Use of the Dwelling for dwelling purposes, and which does not change the residential character of the neighborhood. A Home Occupation must meet all the requirements set forth in Section 1801 of these Regulations.

### **HOSPITAL – INSTITUTION, QUASI-PUBLIC**

Any Building or other Structure containing beds for at least four (4) patients and devoted to the diagnosis, treatment and other care of human ailments.

### **HOTEL**

A Building that provides lodging and usually meals, entertainment, and various personal services to the public.

### **HOUSE TRAILER**

See Mobile Home

### **HOUSE TRAILER PARK**

See Mobile Home Park

### **INOPERABLE MOTOR VEHICLE**

Vehicles that have one or more flat or missing tires, are not currently licensed, are missing mechanical or electrical parts necessary for their operation or are otherwise not capable of being started and driven.

### **INSTITUTIONS**

Buildings and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling or other correctional services; a place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons who are in need of medical and surgical attention such as Hospitals, Clinics, and nursing homes. Institutions do not include Group Home, hospices, emergency shelters, residences for victims of abuse and other similar group living unit arrangement that is otherwise specifically defined in these Regulations.

### **INTERSECTION**

The junction of any two (2) or more dedicated and accepted Streets in Weathersfield Township.

### **JUNK YARDS**

Any land, property, Structure, Building, or combination of the same, on which worn out, dismantled, or inoperative vehicles or parts thereof are collected for use or sale, including old machinery, appliances, equipment, and various types of metals or other solid materials.

### **KENNELS**

Any Lot or building where four (4) or more domesticated animals more than four (4) months of age are kept, housed, or maintained, and where such animals may be bred, groomed, socialized or trained.

### **LOT**

A parcel of land legally existing intended as a unit for the purpose of transfer of ownership or for Building development or for other Use, occupied by, or which may be occupied by, a Building and Accessory Buildings and including the yards and other Open Spaces required by these Regulations, or the land shown as a separate Lot or parcel on the records of Trumbull County.

### **LOT AREA**

The computed area contained within the Lot Lines. Where the Lot has been surveyed to the center of the Street, the area of Lot between such centerline and the established Street Right-of-Way shall not be included as part of the area for the purpose of these Regulations.

### **LOT AREA- MINIMUM**

The minimum area of a Lot required as defined in these Regulations.

### **LOT LINES**

The Property Lines defining the limits of a Lot.

### **LOT LINE- FRONT**

The Line separating a Lot from the Street Right-of-Way on which the Lot fronts. On a Corner Lot, the Dwelling may face either Street. On a Corner Lot, the principal Building and any Accessory Structures shall be the same Setback distance from all Road Right-of-Way lines as is required for the Front Yard Setback in the District in which the Structures are located.

### **LOT LINE-INTERIOR**

Any Side Lot Line not abutting to a dedicated Street.

### **LOT LINE-REAR**

The Lot Line most distant from the Front Lot Line and most nearly parallel to it.

### **LOT LINE-SIDE**

Any Lot Line other than a Front or Rear Lot Line.

### **LOT WIDTH**

The distance from one Side Lot Line to the other Side Lot Line measured along the Front Lot Line. On a Corner Lot, the width shall be measured parallel to the primary Street Lot Line. A Lot on a curvilinear Street or on a Cul-De-Sac has a minimum width measured as a chord to the curved Front Line.

### **MANUFACTURED HOME(S)**

A factory-built, single-family structure that is transportable in one or more sections, and is used as a place of habitation. A manufactured home must conform with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

### **MANUFACTURED HOME DEVELOPMENT / MOBILE HOME PARK**

A tract of land used for the siting of Manufactured Homes or Mobile Homes, where the Homes are affixed to a foundation and connected to appropriate water, electric and sewage facilities.

**MINERALS**

Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, or non-metalliferous ore, other mineral or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat, or topsoil.

**MOBILE HOME (HOUSE TRAILER)**

Any self-propelled or non-self-propelled vehicle, so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, and used as a conveyance upon public Streets or highways.

**MOBILE HOME LOT**

The portion of a Mobile Home Park designated for the use or occupancy of one Mobile Home.

**MOTEL**

A building with or without party walls, or any row or group of buildings whose prime use is for the shelter and accessory needs of travelers.

**MULTI-FAMILY DWELLING**

A Dwelling consisting of three (3) or more Dwelling Units, including Condominiums, with varying arrangements of Entrances and party walls.

**NONCONFORMING USE**

Any building or land lawfully occupied by a use on the Effective Date of these Regulations or any Amendment or supplement thereto, which does not conform to the use regulations of the District/zone in which it is located.

**OCCUPANCY CERTIFICATE**

A required certificate to be obtained from the Township Zoning Inspector before the occupancy for any Commercial or Industrial Use permitted in Weathersfield Township.

**OPEN PORCH**

A porch open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash, or an enclosed railing more than three (3) feet in height.

**OPEN SPACE**

That portion of a Lot not covered by a building area and open to the sky; may include drives, walkways, landscaping, fences, and objects not defined under the building area.

**OUTDOOR VENDOR**

Any person who opens a place of business outside, offering for sale goods or similar tangible personal property such as plants, flowers, arts and crafts, toys, farm produce, fireworks, Christmas trees or similar items, for the purpose of making retail sales of such property.

**PARKING AREA**

An off-street area designated for the Parking of automobiles or other vehicles, constructed of concrete, asphalt, pavement or maintained gravel, (as permitted by the zoning district) and located in the Side Yard or Rear Yard in Residential Areas and in compliance with all Setbacks.

### **PLANNED UNIT DEVELOPMENT**

A Planned Unit Development is a technique to provide flexibility for new construction in a community. Instead of rigidly dividing land into exclusively Residential, Commercial, and Industrial zones, PUDs mix these and other Uses and are subject to special provisions.

### **PLANNING COMMISSION**

Any reference to a Planning Commission shall refer specifically to the Trumbull County Planning Commission.

### **PLAT**

A map or layout of a city, town, section or subdivision, indicating the location and boundaries of individual properties, the same having been recorded with Trumbull County.

### **POLICE DEPARTMENT**

Any reference to a Police Department in these regulations shall refer specifically to the Police Department of the Township of Weathersfield and the County Sheriff.

### **PORTABLE STORAGE UNIT**

Any container, storage unit, pod, box, cube, shipping container, trailer, semi-truck trailer, mounted on axles or unmounted, or other similar portable unit that can be or is used for the storage of personal property.

### **PROPERTY LINE**

A boundary line dividing one parcel of land from an adjacent other parcel, a dedicated Street Right-of-Way, or an accepted Street Right-of-Way.

### **QUASI-PUBLIC BUILDINGS OR USES**

Houses of worship, public or private schools, colleges, Hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

### **REAR YARD**

An Open Space between the rear wall of the building and the Rear Lot Line, and unoccupied except for Accessory Buildings, including among others, either attached or detached Garages, and Open Porches, which in the aggregate, shall not occupy more than twenty percent (20%) of the area.

### **RECREATIONAL AREA – INDOOR OR OUTDOOR**

Buildings and/or lands used for physical recreation or sports including but not limited to playgrounds, tennis courts, soccer fields, baseball or softball fields, fishing, swimming, riding and stable facilities, parks, and golf courses, which are open to the public. Recreational Area does **not** include overnight uses or uses that involve motorized vehicles including but not limited to motocross, vehicle racing, demolition derby, 4-wheeler riding, etc. and does **not** include any outdoor shooting activities, including shooting ranges, paintball, etc.

### **RECREATIONAL VEHICLE**

A vehicle designed and/or used for recreational purposes, including pick-up coaches (campers), truck campers, motorized homes, boats, snowmobiles, jet skis, all-terrain vehicles, travel trailers, and camping trailers, but not including a Manufactured Home or Mobile Home which is designed and used for permanent dwelling.

### **RIGHT-OF-WAY**

An area of land dedicated for Use as a public or private Roadway, typically containing or intended to contain Road improvements and which may also include sidewalks, utilities, and other construction. The Right-of-

Way is measured from the centerline of the Road. The outside boundary of a Right-of-Way may be referred to as a "Right-of-Way line". The Right-of-Way of township roads is generally a minimum of thirty feet (30') but may be as wide as sixty feet (60').

### **ROADSIDE STAND**

A vehicle temporarily parked or a temporary stand without foundation used for the sale of agricultural produce.

### **SCRAP TIRES**

"Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use on a vehicle. Scrap tire includes all whole scrap tires and pieces of scrap tires. Scrap tire does not include the following:

- (a) A tire after it has been retreaded or regrooved for resale or reuse, so long as it is being used on a vehicle.
- (b) A snow tire or all-weather tire that is being stored for remounting and installation on a vehicle owned owner of the tire when the weather changes.

### **SELF-STORAGE FACILITY**

A Building or group of Buildings in a controlled access and/or fenced compound that contains individual, compartmentalized, and controlled access rooms, stalls or lockers for the storage of which are rented as a business use with a valid Occupancy Certificate to persons or businesses for the storage of personal property.

### **SETBACK**

The horizontal distance from the Front, Side, or Rear Property Line to the nearest edge of the allowable building area. Where the property adjoins a Street, the setback shall be measured from the Street Right-of-Way line.

### **SHORT-TERM RENTAL**

Rental of a dwelling unit for a period of time less than thirty (30) consecutive calendar days, including but not limited to rentals via hosting platforms such as Airbnb, VRBO, etc. Short-Term Rental does not include a hotel, motel, or bed and breakfast that is being operated in accordance with the Weathersfield Township Zoning Resolution.

### **SIDE YARD**

An open unobstructed space on the same Lot with a Building, between the Building and the Side Lot Line, and extending through from the Front to the Rear Yard, into which space there is no extension of Building parts other than eaves, rain water leaders, window sills, and other such fixtures; chimneys, open steps and bay windows.

### **SIGNS**

Any display for achieving identification of the business located on the property/premises and notice pertaining to the premises on which the Sign is located and notice of a product for sale within the business on which the Sign is located. Signs are limited to Commercial A, Commercial B, Industrial A and Industrial B, and are regulated by Article 19 of these Regulations.

### **SINGLE-FAMILY DWELLING**

A Dwelling consisting of a single Dwelling Unit only, separate from other Dwelling Units by Open Space.

**STORY**

That part of a building included between any floor and/or roof next above. When applying to the permissible height of the buildings, the term “Story” shall not include a Basement if the Basement is not designed for living quarters and if the ceiling thereof is not more than four (4) feet above the average ground level.

**STREET- PRIVATE**

A Thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or is subject to the public easements.

**STREET, THOROUGHFARE, ROAD or ROADWAY**

All of the area within a Right-of Way, dedicated to and accepted by the public in accordance with law, for use by the public for vehicular and pedestrian traffic, utilities and drainage.

**STRIP MINING**

All or any part of the process following in the removing of Minerals, coal, peat, sand, gravel, clay, shale, limestone, or sandstone, etc. from their natural deposits by means of open excavation.

**STRUCTURE**

Any material constructed, erected or placed for use on land, for occupancy, use or ornamentation, including but it not limited to Buildings, Accessory Buildings, Mobile Homes, Signs, Swimming Pools Roadside Stands, decks, patios, or other paving or hardscape.

**SWIMMING POOL-PRIVATE**

A Structure, above or below ground, intended for swimming or recreation, exclusively used by the residents and guests of a single household or a Multi-Family residence, or the patrons of a Motel; an Accessory Structure.

**SWIMMING POOL-COMMUNITY OR CLUB**

Operated with a charge for admission or membership dues, a primary Use.

**THROUGH LOT**

A lot that has Frontage along two streets that do not intersect with each other.

**TOWNHOUSE**

Two (2) or more attached Dwelling Units or groups of Dwelling Units.

**TOWNSHIP**

Any reference to a Township in these Regulations shall refer specifically to the Township of Weathersfield, Trumbull County, Ohio.

**TRAILER**

A platform or box with wheels that is pulled behind a truck or car and used to transport things; or a vehicle that can be pulled by a truck or car and that can be parked and used as an office, vacation home, etc.

**TRUSTEES**

Any reference to “Trustees” shall refer specifically to the Weathersfield Township Board of Trustees.

**TWO-FAMILY DWELLING**

A Dwelling consisting of two Dwelling Units which may be either attached side by side or one above the other, with each having a separate or combined Entrance or Entrances.

## **USE**

The purpose for which a building, land or premises is being used.

## **VARIANCE**

A modification of the strict terms of the relevant Regulations where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not for the result of the action of the applicant, a literal enforcement of the Regulations would result in unnecessary and undue hardship of practical difficulty. Also see Article 4.

## **VETERINARIAN- (VETERINARY CLINIC or ANIMAL HOSPITAL)**

A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured animals, licensed by the State.

## **ZONING ADMINISTRATION**

Any reference to Zoning Administration shall refer specifically to the Weathersfield Township Zoning Administration. Such Administration shall be comprised of the three basic units that administer zoning - the Zoning Commission, the Board of Zoning Appeals, and the Zoning Inspector.

## **ZONING CERTIFICATE**

The document issued by the Township Zoning Inspector and authorizing the various Uses in accordance with these Zoning Regulations. It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or Structure until a Zoning Certificate shall have been issued by the Zoning Administrator, except no Zoning Certificate shall be required for agricultural uses. It shall also be unlawful to change the Use or occupancy of any Building, Structure or land from one classification to another or to change a nonconforming Use without the issuance of a Zoning Certificate.

## **ZONING COMMISSION**

Any reference to a Zoning Commission shall refer specifically to the Weathersfield Township Zoning Commission, which shall be composed of members who reside in the unincorporated area of the Township, to be appointed by the Board and the terms of the members shall be of such length and so arranged that the term of one member will expire each year.

## **ZONING FEES SCHEDULE**

Any reference to the zoning fees set forth by Weathersfield Township Trustees, effective as of the most recent date

## **ZONING INSPECTOR**

Any reference to a Zoning Inspector shall refer specifically to the Weathersfield Township Zoning Inspector.

## **ZONING MAP**

The "Zoning Map of Weathersfield Township, Trumbull County, Ohio" as adopted by the Township Board of Trustees.

## **ZONING OFFICE**

Any reference to the Zoning Office shall refer specifically to the physical location of the Weathersfield Township Zoning Office.



**ZONING RESOLUTIONS/REGULATIONS**

Any reference to a Zoning Resolution or Regulations shall refer specifically to the Weathersfield Township Zoning Regulations.

## *ARTICLE 1 - ZONING INSPECTOR, ADMINISTRATION & ENFORCEMENT*

### **100-ZONING INSPECTOR**

The Board of Township Trustees shall appoint the Zoning Inspector, who shall be paid such compensation as the Board of Township Trustees shall direct. The Zoning Inspector shall post a surety bond as required by Ohio Revised Code §519.161. The Board of Township Trustees may appoint Assistant Zoning Inspectors as the Board deems necessary. The Zoning Inspector shall:

- 100.1** Administer and enforce the provisions of these Regulations;
- 100.2** Respond to questions concerning the Zoning Regulations and the official Zoning Map;
- 100.3** Review and process applications for Zoning Certificates, Occupancy Certificates and Sign Certificates and act on all applications filed, notify the applicant of the approval or disapproval of such application and keep a record of each Certificate issued or denied;
- 100.4** Investigate all zoning complaints and conduct inspections of Buildings and Uses of land to determine compliance with these Regulations and take action to correct violations, including notifying the person(s) responsible, specifying the nature of the violation and ordering corrective action, and initiating such other administrative or legal proceedings as needed to address such violations;
- 100.5** Maintain in current status the official Zoning Map, which shall be kept on permanent display in the Township offices;
- 100.6** Maintain the zoning records required by these Regulations and make such records available for the use of the Township Trustees, the Township Zoning Commission, the Board of Zoning Appeals and the public;
- 100.7** Review and act on site plans submitted pursuant to these Regulations;
- 100.8** Maintain a record of existing Nonconforming Uses;
- 100.9** Accept applications for Conditional Use approval and Variances and appeals from decisions of the Zoning Inspector, and forward such applications and appeals to the Board of Zoning Appeals;
- 100.10** Accept applications for zoning changes and forward such applications to the Zoning Commission;
- 100.11** Assist the Township Trustees, the Township Zoning Commission and the Board of Zoning Appeals as requested; and
- 100.12** Perform such other duties as the Township Trustees may require related to zoning, including land Use planning, community development, economic development, grant writing, and cooperation.

### **101- OFFICIAL ZONING MAP**

The unincorporated territory of Weathersfield Township is divided into Zoning Districts as set forth in these Regulations and as shown on the official Zoning Map which accompanies these Regulations. The official Zoning Map is hereby made a part of these Regulations. Whenever changes are made to a Zoning District or Zoning District boundary lines or other matter portrayed on the official Zoning Map, the official Zoning Map shall be modified to reflect such changes, and the Zoning Inspector shall maintain a record of all such changes. The Zoning Inspector shall provide the Trumbull County Auditor with notice of all changes to the official Zoning Map, and shall seek to have the Trumbull County Auditor's records reflect the official Zoning Map.

Where uncertainty exists with respect to the boundaries of any of the Districts as shown on the official Zoning Map, the following rules shall apply:

- 101.1** Where District boundaries are indicated as approximately following the centerline or Right-of-Way line of Streets, the centerline or Alley line of Alleys, or the centerline or Right-of-Ways constructed lines of highways, such lines shall be construed to be such District boundaries.
- 101.2** Where District boundaries are indicated as approximately parallel to the center lines or right-of-way lines of Streets, the center lines or Alley lines of Alleys or the center lines or Right-of-Way lines of highways, such District boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated.
- 101.3** Whenever any Street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the Street or public way shall be automatically extended to the center of such vacated Street or public way. All area included in the vacation shall thereafter be subject to all regulations of the respective extended Districts.
- 101.4** Where District boundaries are indicated as approximately following the Property Lines, the Property Line shall be construed as the District boundary.
- 101.5** All changes in District boundary lines approved pursuant to the provisions of these Regulations shall conform to existing Lot Lines and boundaries, and no Zoning District boundary changes shall divide any Lot between more than one Zoning District. Where a District boundary line divides a Lot in a single ownership existing at the time of enactment of these Regulations, the use authorized on and the District requirements of the least restrictive portion of such Lot shall be construed as extending to the entire Lot, provided that such extension shall not include any part of the Lot which is more than fifty (50) feet from the District boundary line.

Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, the depth of residential and business Frontage is established for the purpose of these Regulations at one hundred fifty (150) feet.

## **102- ZONING CERTIFICATES REQUIRED**

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any Building or Structure, or change the Use of any land, Building, Accessory Building or Structure, or change or install any Sign or fence within Weathersfield Township without obtaining a Zoning Certificate as required by these Regulations, and no such Certificate shall be issued unless the information submitted by the applicant establishes that the proposed Building, Structure, Lot, Sign, fence or Use will conform to all the requirements of these Regulations and the Ohio Revised Code. Zoning Certificates are required for the following:

- 102.1 Construction.** Before any Structure or Dwelling is built, erected, enlarged, changed or placed on a property, or any portion of a lot is paved, dirt is moved or drainage changed, a Zoning Certificate is required.
- 102.2 Use/Occupancy.** When the Use of land, a Building or Structure changes, or a new business occupies an existing Building or Structure, an Occupancy Certificate is required.
- 102.3 Signs.** Before any Sign may be constructed, structurally altered, attached to a Building, or placed on a Lot, a Sign Certificate is required.
- 102.4 Fences.** Before any fence may be constructed, structurally altered, or placed on a Lot, a Fence Certificate is required.

- 102.5 Agricultural Building.** Any person who seeks to construct, reconstruct, enlarge, or structurally alter any Building or Structure to be used primarily for Agricultural purposes, as defined in R.C. 519.01 shall complete the Agricultural Building Use Application/Affidavit, and if the Building meets the requirements as set forth in Article 21 of this Resolution the Zoning Inspector shall issue a Zoning Certificate that the Building is “Agriculture Building – Exempt”. A house is **not** an agricultural Building as determined in Ohio Attorney General Opinion 1962-3440.
- 102.6 Swimming Pool.** Before an in-ground swimming pool or a non-portable above-ground swimming pool may be constructed or structurally altered, a Zoning Certificate is required.
- 102.7 No Current Violations.** No Zoning Certificate shall be issued to any applicant who has any ownership interest in any property that is in violation of any provision of this Resolution until such violation is corrected or eliminated to the satisfaction of the Zoning Inspector unless said application is being made to bring the property into conformance with this resolution.

### **103- APPLICATION FOR A ZONING CERTIFICATE**

Each applicant for a Zoning Certificate shall submit a completed application and the required fee to the Township Zoning Inspector. The application shall include the following (as applicable):

- 103.1** A complete site plan showing Lot dimensions and existing and proposed Buildings and Structures, required Setbacks, and all Driveways, Parking Areas and any piping of ditches;
- 103.2** Plans drawn to scale, including Building dimensions and floor plans;
- 103.3** Documentation of approval of storm water control plans by the Trumbull County Engineer, and any required permits and approvals (i.e. EPA permits, etc.);
- 103.4** Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, these Regulations;
- 103.5** A completed application; and
- 103.6** Payment of the application fee.

### **104- DEADLINES TO ISSUE ZONING CERTIFICATE, START AND COMPLETE WORK**

The Township Zoning Inspector shall, within ten (10) days of the receipt of a complete application, either issue or deny the Zoning Certificate, and notify the applicant of the decision. If the application is denied, the applicant may submit a revised application, or the applicant may appeal the denial to the Board of Zoning Appeals within ten (10) days of the denial. The following deadlines apply to all Zoning Certificates:

- 104.1** Failure of the Zoning Inspector to issue a Certificate within ten (10) days from the date of application shall be deemed a denial.
- 104.2** If the work authorized by a Zoning Certificate has not begun within six (6) months from the date of issuance thereof, said Zoning Certificate shall expire, however upon request and for good cause shown, the Zoning Inspector can extend this period for a maximum of six (6) months. Any such extension must be in writing.
- 104.3** If the work authorized by a Zoning Certificate has not been completed within twelve (12) months from the date of issuance thereof, said Zoning Certificate shall expire, however,

upon request and for good cause shown, the Zoning Inspector can extend this period for a maximum of six (6) months. Any such extension must be in writing.

**104.4** If the Use approved in the Occupancy Certificate is discontinued for six (6) months, the Occupancy Certificate shall expire.

**104.5** No work shall proceed, and no one shall occupy a Structure under an expired Certificate, and an application for a new Certificate must be filed and processed.

#### **105- CONSTRUCTION AND USE TO BE AS REPRESENTED**

Zoning Certificates authorize only the Use and construction as set forth in the Zoning Certificate and in accordance with the approved plans and application. Any Use, arrangement or construction contrary to that authorized is a violation of these Regulations. If the Zoning Inspector determines that any work is being done contrary to an issued Zoning Certificate, the Zoning Inspector shall issue a stop work order and post it on the premises involved. No work shall be done in violation of a stop work order. The Zoning Inspector may revoke any Zoning Certificate if the Zoning Inspector determines that the Zoning Certificate was issued based upon false representations or contrary to these Regulations.

#### **106- ENTRY AND INSPECTION OF PROPERTY**

Filing an application for a Zoning Certificate constitutes consent by the property owner for the Zoning Inspector to enter the property or Structure which is the subject of the application at any reasonable hour to inspect and determine whether the property is in compliance with any issued Zoning Certificate. In addition, the Zoning Inspector is authorized to make inspection of properties and Structures at any reasonable hour in order to enforce the provisions of these Regulations. Prior to seeking entry to any property or Structure for such examination or survey, the Zoning Inspector shall knock on the door of the residence, or otherwise attempt to contact the owner or occupant to obtain permission to enter onto the property or Structure for inspection. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a search warrant to enter the property or Structure.

No consent of the property owner is required for the Zoning Inspector to inspect or photograph any property or Structure from the public Roadway, or from any neighboring property with the consent of the neighboring property owner.

#### **107- ENFORCEMENT**

These Regulations shall be enforced by the Zoning Inspector and the Board of Trustees. Upon receipt of a complaint, whether written, verbal, or anonymous, or upon personal observation of what appears to be a zoning violation, the Zoning Inspector shall investigate to determine whether there are violations of the Weathersfield Township Zoning Regulations and/or conditions which are dangerous, unsanitary, unsightly, or are creating a nuisance.

If the Zoning Inspector finds conditions which, although not necessarily a violation of the Township's Zoning Regulations, create a nuisance or other problems, the Zoning Inspector shall report such observations to the Township Trustees, Board of Health, Environmental Protection Agency, Department of Natural Resources, Fire Department, Fire Inspectors, Police Department, Children Services Board, or any other enforcement agency as may be appropriate. The Zoning Inspector shall further assist such agencies in correcting such conditions.

Whenever the Zoning Inspector finds cause to believe that there are any violations of the Township's Zoning Regulations, the Zoning Inspector shall:

- 107.1** Mail a notice of violation in writing to the property owner or occupant;
- 107.2** Specifying the provision(s) of the Zoning Regulations which is being violated; and
- 107.3** Order the violations to be corrected within a specified period of time (generally 15-30 days).

If the violation is not corrected within the specified time, the Zoning Inspector shall consult with the Trumbull County Prosecutor's office, and/or the Township Legal Counsel and the Board of Township Trustees, and may file complaints and/or charges in the Niles Municipal Court and/or the Trumbull County Court of Common Pleas.

It is the policy of Weathersfield Township to enforce the Zoning Regulations as follows:

- 107.4** The primary objective is to correct existing violations as soon as possible.
- 107.5** The secondary objective is to impose the maximum penalty allowed by law in order to deter future violations.
- 107.6** Each day of continuing violation is to be charged as a separate offense, starting with the day on which written notice of violation was served upon the suspected violators.
- 107.7** In cases of violators who refuse to cooperate in correcting such violations, the Township shall request the imposition of the maximum penalty allowed by law for each day of continuing violation.
- 107.8** In cases of violators who cooperate to correct such violations, the Zoning Inspector shall have discretion.

## **108- VIOLATIONS**

- 108.1** Failure to obtain a required Zoning Certificate, or to proceed in accordance with a Zoning Certificate is a violation of these Zoning Regulations.
- 108.2** It is unlawful to violate any provision of these Zoning Regulations.
- 108.3** Any Zoning Certificate issued upon a false statement of any fact, which is material to the issuance thereof, is void. Whenever the fact of such false statement is established to the satisfaction of the Board of Trustees, the Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate, or by posting the notice of revocation upon the said premises. Any person who shall proceed, thereafter, with such work or Use shall be deemed guilty of a violation of these Regulations.
- 108.4** If any Building, fence, or Sign is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used, in violation of these Regulations, the Board of Trustees, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or Use.
- 108.5** Any person, firm, or corporation violating any provision of these Regulations shall be fined not more than five hundred dollars (\$500.00) for each offense. Each and every day during which such violation continues may be deemed a separate offense.

**108.6** Any person, firm, or corporation who locates, erects, constructs, reconstructs, enlarges, changes any Building, Structure, fence or Sign, or who changes the Use of any land, without first obtaining a Zoning, Occupancy, Sign or Fence Certificate may be subject to a late fee of two (2) times the usual fee for such Certificate.

**109- ZONING FEES, CHARGES AND EXPENSES**

The Township Trustees shall by resolution establish a schedule of fees for applications for Zoning Certificates, including Fence, Occupancy, Sign, Swimming Pool, Conditional Use and Variance, Outdoor Vendor application, appeals, proposed Zoning Regulations amendments and other matters relating to these Zoning Regulations. The schedule of fees shall be available at the Township Administration Building. No application shall be considered complete, and no action will be taken on any application until the applicant has paid all required fees.

**110- PENALTY**

Pursuant to Ohio Revised Code Section 519.99, whoever violates Ohio Revised Code Sections 519.01 through 519.25, inclusive, and whoever violates any provision of these Zoning Regulations or any lawful order issued pursuant to these Regulations, shall be fined not more than five hundred dollars (\$500.00) for each offense. Each and every day during which such violation continues may be deemed a separate offense.

## *ARTICLE 2 - TOWNSHIP ZONING COMMISSION*

### **200- AUTHORITY, COMPENSATION AND APPOINTMENT**

The Weathersfield Township Zoning Commission shall consist of five (5) members who reside in the unincorporated area of Weathersfield Township, appointed by the Board of Trustees. Each member shall be appointed for a term of such length and so arranged that the term of one (1) member will expire each year. The Board of Trustees may appoint two (2) alternate members to the Township Zoning Commission, for terms to be determined by the Board of Trustees. The Board of Trustees will determine and set any compensation to be paid to members.

### **201-ORGANIZATION AND PROCEEDINGS**

The Township Zoning Commission shall elect a chairperson and vice-chairperson and set the regular meeting schedule each year at a reorganization meeting. The Township Zoning Commission shall meet monthly, or at the call of the chairperson or vice-chairperson, or as needed. The Zoning Inspector shall act as secretary and shall record the minutes and keep all records of proceedings, including all motions and votes. The minutes shall be kept on file at the Township Administration Building and are a matter of public record. All meetings shall be open to the public.

The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths, and the Zoning Commission may compel the attendance of witnesses. All meetings of the Zoning Commission shall be open to the public, although deliberations of the Zoning Commission may be conducted in executive session, as permitted by law.

### **202- QUORUM**

A quorum of three (3) members is required to conduct business at all meetings or hearings. The affirmative vote of three (3) members is required to carry any motion. An alternate member may take the place of an absent regular member at any meeting. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

### **203- VACANCIES AND REMOVAL**

Each member of the Township Zoning Commission shall serve until his/her successor is appointed and qualified. The Board of Trustees shall fill by appointment any vacancies including un-expired terms.

Members of the Township Zoning Commission may be removed by the Board of Trustees for non-performance of duty, misconduct in office, or other cause after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member at least ten (10) days prior to the hearing. The member shall be permitted to be heard and have opportunity to answer such charges.

### **204- POWERS AND DUTIES**

The Township Zoning Commission shall have the powers and duties as set forth in the Ohio Revised Code, including the following powers and duties:

**204.1** Review from time to time the provisions of these Regulations and recommend to the Board of Trustees such amendments to the Zoning Regulations and Zoning Map as the Board deems necessary.

**204.2** Act upon all requests for rezoning of property to change the official Zoning Map and recommend approval, disapproval or modification of the request to the Board of Trustees.



**204.3** When reviewing proposed amendments to the Zoning Regulations or changes to the Zoning Map, the Zoning Commission shall consider the following:

- 204.3.1** The Weathersfield Township Comprehensive Plan;
- 204.3.2** The effect of the proposed change on property values and on future Uses in the area, on public utilities and fire protection, and on existing Roads and traffic;
- 204.3.3** Whether there is sufficient existing property already appropriately zoned to accommodate the proposed Use; and
- 204.3.4** Recommendations of the Trumbull County Planning Commission and the Township Zoning Inspector.

## **205- AMENDMENTS**

The Township Zoning Commission may from time to time recommend that these Regulations and the official Zoning Map be amended, supplemented, changed or repealed following the procedure set forth in Ohio Revised Code § 519.12.

## **206- APPLICATION FOR A ZONING AMENDMENT**

Applications for zoning amendments shall include all of the following:

- 206.1** Name, address, and phone number of the applicant;
- 206.2** A proposed amending resolution; and
- 206.3** Full payment of all applicable fees, as established by the Board of Trustees and as set forth in the Zoning Fees Schedule.

Should the proposed zoning amendment involve the re-zoning of any parcel(s) of land, the application shall also include the following:

- 206.4** Copies of any deeds or written leases demonstrating that the application has been filed by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment;
- 206.5** A complete legal description of the parcel(s) proposed to be re-zoned;
- 206.6** A list of the addresses of all properties to be rezoned and the names of the owners of those properties as they appear on the County Auditor's current records;
- 206.7** A detailed map showing Property Lines;
- 206.8** The names and addresses of all property owners of property adjoining the property to be rezoned;
- 206.9** The present Zoning District(s) of the area to be re-zoned; and
- 206.10** The proposed Zoning District of the property to be re-zoned.

## *ARTICLE 3 - THE BOARD OF ZONING APPEALS*

### **300- AUTHORITY, COMPENSATION AND APPOINTMENT**

The Weathersfield Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated area of Weathersfield Township. The terms of all members shall be so arranged so that the term of one (1) member expires each year. The Board of Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Board of Trustees. The Board of Trustees will determine and set any compensation to be paid to members.

### **301- ORGANIZATION AND PROCEEDINGS**

The Board of Zoning Appeals shall elect a chairperson and vice-chairperson and set the regular meeting schedule each year at a reorganization meeting. The Board of Zoning Appeals shall meet monthly or at the call of the chairperson or vice-chairperson, or as needed. The Zoning Inspector shall act as secretary and shall record the minutes and keep all records of proceedings including all motions and votes. The minutes shall be kept on file at the Township Administration Building and are a matter of public record.

The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public, although deliberations of the Board of Zoning Appeals may be conducted in executive session, as permitted by law.

### **302- QUORUM**

A quorum of three (3) members is required at all meetings or hearings. The affirmative vote of three (3) members is required to carry any motion. Within a reasonable period of time after the hearing, the Board of Zoning Appeals shall issue its decision based upon the criteria of and in accordance with the Zoning Regulations.

### **303- VACANCIES AND REMOVAL**

Each member of the Board of Zoning Appeals shall serve until his/her successor is appointed and qualified. The Board of Trustees shall fill by appointment any vacancies including un-expired terms. Members of the Board of Zoning Appeals may be removed by the Board of Trustees for non-performance of duty, misconduct in office, or other cause after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member at least ten (10) days prior to the hearing. The member shall be permitted to be heard and have opportunity to answer such charges.

### **304- POWERS AND DUTIES**

The Board of Zoning Appeals shall have all of the powers and responsibilities prescribed by the Ohio Revised Code, which at a minimum include the following powers and duties:

**304.1** To organize, adopt rules, hold meetings and keep records as required by law.

**304.2 Administrative Review.** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of these Regulations. This includes hearing and deciding matters of interpretation of the provisions of the text of the Regulations and the Township Zoning Map.

- 304.3 Variances.** To authorize upon appeal, in specific cases, such variance from the terms of the Zoning Regulations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the Regulations would result in unnecessary hardship, and so that the spirit of the Regulations shall be observed and substantial justice done.
- 304.4 Conditional Uses.** To approve the issuance of a Zoning Certificate permitting a Conditional Use of land, Buildings or other Structures within a Zoning District, as permitted by these Regulations.
- 304.5** To revoke any previously approved Variance or Conditional Use if any condition of the Variance or Conditional Use is violated.

### **305- APPEALS FROM DECISIONS OF THE ZONING INSPECTOR**

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer of the Township adversely affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals a Notice of Appeal specifying the order appealed from and the grounds of appeal, along with the applicable fee.

The Zoning Inspector shall transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest and to all property owners within two hundred (200) feet of the subject tract, give notice of such public hearing on the township's website and social media account, or in a newspaper of general circulation in Trumbull County, or as otherwise permitted by law, at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after the conclusion of the hearing.

## *ARTICLE 4 – VARIANCES AND CONDITIONAL USES*

### **400- VARIANCES**

The Board of Zoning Appeals may authorize, in specific cases, such Variance from the terms of these Zoning Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in practical difficulties or unnecessary hardship.

### **401- APPLICATION FOR A VARIANCE**

An application for a Variance shall be filed with the Zoning Inspector by the owner of the property for which a Variance is sought, along with a site plan and the required application fee. At a minimum, the application shall contain the following information:

- 401.1** Name, address and phone number of the property owner, and if the applicant is not the owner, the name, address and phone number of the applicant and authorization of the owner to the applicant to act on the owner's behalf;
- 401.2** The address of the property;
- 401.3** A list of the names and addresses of all adjacent property owners;
- 401.4** A specific statement of the Variance(s) requested, including the specific provisions of the Zoning Regulations from which a Variance is requested;
- 401.5** A narrative statement describing the impact of the Variance upon adjoining property and the Township, considering the effect of such elements as noise, light, odor, vibration and traffic, and a discussion of the general compatibility with adjacent and other properties in the District;
- 401.6** A description of the special conditions or circumstances giving rise to the need for a Variance; and
- 401.7** A site plan drawn to an appropriate scale clearly showing the following:
  - 401.7.1** The boundaries and dimensions of the property;
  - 401.7.2** The dimensions and location of existing and proposed Structures;
  - 401.7.3** The proposed Use of all parts of the property, including Structures, access ways, walks, Off-Street Parking, Open Spaces, landscaping, Signs and yards; and
  - 401.7.4** The Use of the land and location of Structures on adjacent property.

### **402- HEARING BEFORE THE BOARD OF ZONING APPEALS ON AN APPLICATION FOR A VARIANCE OR CONDITIONAL USE**

The Board of Zoning Appeals shall fix a reasonable time for a public hearing on an application, for a variance or conditional use, give at least ten (10) days' notice in writing to the parties in interest and to all adjacent property owners, and give notice of such public hearing on the township's website and social media account, or in a newspaper of general circulation in Trumbull County, or as otherwise permitted by law, at least ten (10) days before the date of such hearing. Failure to give any such notice shall not invalidate any decision of the Board of Zoning Appeals.

The Hearing on an application shall be before the Board of Zoning Appeals, and shall be public, although the Board may enter into executive session to deliberate prior to issuing a decision. All witnesses must testify under oath. Formal rules of evidence shall not apply, but irrelevant, immaterial, or repetitious evidence may be excluded. The Board may adjourn and continue any

hearing to a subsequent date.

The applicant, and those in opposition to the application, shall have the opportunity to appear and be heard in person, or by an attorney, in support of or in opposition to the application and:

- 402.1** Present his or her position, arguments and contentions;
- 402.2** Offer and examine witnesses and present evidence in support;
- 402.3** Cross examine witnesses purporting to refute his or her position, arguments and contentions;
- 402.4** Offer evidence to refute evidence and testimony offered in opposition to his or her position, arguments and contentions;
- 402.5** Proffer any such evidence into the record if the admission of it is denied by the Board of Zoning Appeals; and
- 402.6** Subpoena material witnesses, through the authority of the Board and under its discretion and control, after a timely request to the Board.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each motion, or if absent or failing to vote, indicating such fact, all of which shall be a public record. An affirmative vote of three members of the Board is required for adoption of any motion. A stenographic record of the proceedings shall be made. The appearance fee for the stenographer shall be paid by the Board from the application fee. The cost of the stenographic transcript shall be paid by the person appealing from the decision of the Board if such appeal is made.

Within thirty (30) days after the public hearing, the Board shall either approve, approve with supplementary conditions or disapprove the application for a Variance or Conditional Use. Any person or persons adversely affected by the decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Trumbull County pursuant to the provisions of Ohio Revised Code Chapter 2506. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

#### **403- EVALUATING AN APPLICATION FOR A USE VARIANCE**

A Use Variance authorizes a land owner to establish a Use which is otherwise not permitted under the Zoning Regulations, upon a determination that the strict application of the terms of the Regulations would create an unnecessary hardship. In considering an application for a Use Variance, the Board of Zoning Appeals shall consider all relevant factors including, but not limited to, evidence which demonstrates the following:

- 403.1** That special conditions and circumstances exist which are peculiar to the land, Structure, or Building involved and which are not applicable to other lands, Structures, or Buildings in the same District;
- 403.2** That a literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of these Regulations;
- 403.3** That the special conditions and circumstances do not result from the actions of the applicant;
- 403.4** That granting the Variance requested will not confer on the applicant the same effect as rezoning to another Zoning District classification;
- 403.5** That granting the requested Variance will conform to the Comprehensive Plan and the spirit and intent of the Weathersfield Township Zoning Regulations;

- 403.6** That the requested Variance is the minimum variance necessary to accomplish the purpose of the request; and
- 403.7** That granting the Variance will not adversely affect the health or safety of persons residing or working in the vicinity of the property, be materially detrimental to persons or property in such vicinity, or injurious to private property or public improvements in the vicinity.

The Board of Zoning Appeals shall only approve a Use Variance if the Board finds:

- 403.8** That such Variance or modification will not be contrary to the public interest;
- 403.9** That owing to special conditions, a literal enforcement of these Zoning Regulations will result in unnecessary hardship; and
- 403.10** That the approval of such Variance is consistent with the spirit of these Zoning Regulations, and substantial justice shall be done thereby.

#### **404- EVALUATING AN APPLICATION FOR AN AREA VARIANCE**

An Area Variance authorizes a land owner to obtain a Variance to an area zoning requirement (i.e. Setback, Lot size, height restrictions and similar requirements) upon a showing that practical difficulties unreasonably deprive the owner of a Permitted Use of the property. The Board of Zoning Appeals shall consider all relevant factors in determining whether the applicant has established practical difficulties in the Use of such property including, but not limited to evidence which demonstrates the following:

- 404.1** Whether the property in question will yield a reasonable return or whether there can be any beneficial Use of the property without the Variance;
- 404.2** Whether the Variance is substantial;
- 404.3** 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;
- 404.4** Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- 404.5** Whether the property owner purchased or acquired the property with knowledge of the zoning restriction;
- 404.6** Whether the property owner's predicament feasibly can be obviated through some method other than a Variance; and
- 404.7** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

The Board of Zoning Appeals shall only approve an Area Variance only if the Board finds:

- 404.8** That such Variance or modification will not be contrary to the public interest;
- 404.9** That the area zoning requirement from which a Variance is sought as applied to the property in question is unreasonable, as it will result in practical difficulties; and
- 404.10** That the approval of such Variance is consistent with the spirit of these Zoning Regulations, and substantial justice shall be done thereby.

#### **405- CONDITIONS IMPOSED ON A VARIANCE**

When granting any Variance request, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the request for a Variance is granted, shall be deemed a violation of these Regulations.

#### **406- EXPIRATION OF A VARIANCE**

The applicant for a Variance shall obtain the required Zoning Certificate and required Building or other permits in accordance with the approved Variance within six (6) months of the Board of Zoning Appeals' approval of the Variance, and shall commence the approved Use or complete construction in accordance with the approved Area Variance within one (1) year of the Board of Zoning Appeals' approval of the Variance, and if the applicant fails to comply with these deadlines the Variance is void and of no further force and effect.

#### **407- VIOLATION OF THE PROVISIONS OF A VARIANCE**

No person shall violate any provision of any issued Variance, nor shall any person misrepresent or fail to disclose any pertinent facts, circumstances, or conditions during the application and hearing procedures required to obtain a Variance. If the Zoning Inspector finds that such a violation(s) and/or misrepresentation(s) occurred, the Variance shall be revoked, and the property owner must comply with these Regulations without benefit of the Variance. In addition, the Zoning Inspector and the Board of Trustees may prosecute such violation(s) and/or misrepresentation(s) in the same manner as for other Zoning violations.

#### **408- FEES FOR VARIANCE APPLICATIONS**

In order to cover necessary administrative, stenographic and advertising costs, fees for each Variance application shall be paid to Weathersfield Township in accordance with a fee schedule established from time to time by the Weathersfield Township Board of Trustees.

#### **409- CONDITIONAL USES**

The characteristics and impacts of an ever-increasing number of new and unique Uses, together with the broadening of numerous conventional Uses, require an evaluation of proposed Uses in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Towards these ends, these Regulations provide for a detailed evaluation of each Use conditionally permitted in a specific District with respect to such considerations as location, design, size, methods of operation, intensity of Use, public facilities requirements, and traffic generation. Conditional Uses may be permitted by the Board of Zoning Appeals recognizing that such Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning District. Each permitted Conditional Use must be an appropriate Use under the Zoning Regulations, in accordance with the nature of the surrounding area and the conditions of development.

Unless otherwise specifically authorized by the Board of Zoning Appeals, a Conditional Use approval is not permanent but shall be personal to the applicant and shall not run with the land. The sale or conveyance of the land and/or Structure whereon the Conditional Use was located and/or conducted shall result in the immediate termination of the Conditional Use approval, and any subsequent owner of such land and/or Structure shall be required to file and obtain the approval of a new application for such Conditional Use.

#### **410- APPLICATION FOR CONDITIONAL USE**

An application for a Conditional Use Certificate shall be filed with the Zoning Inspector by the owner of the property for which approval by the Board of Zoning Appeals of a Conditional Use is sought, along with a site plan and the required application fee. At a minimum, the application shall contain the following information:

- 410.1** Name, address and phone number of the property owner, and if the applicant is not the property owner, the name, address and phone number of the applicant and authorization of the owner to the applicant to act on the owner's behalf;
- 410.2** The address of the property;
- 410.3** A list of the names and addresses of all adjacent property owners;
- 410.4** A statement of the existing Use of the property;
- 410.5** The present Zoning District;
- 410.6** A detailed narrative statement describing the proposed Conditional Use and the impact of the proposed Conditional Use upon adjoining property and the Township, considering the effect of such elements as noise, light, odor, vibration and traffic; a discussion of the compatibility of the proposed Use with adjacent and other properties in the District; and the relationship of the proposed Use to the Township's Comprehensive Plan;
- 410.7** A site plan, drawn to an appropriate scale, clearly showing the following:
  - 410.7.1** The boundaries and dimensions of the property;
  - 410.7.2** The dimensions and location of all existing and proposed Buildings or Structures;
  - 410.7.3** Traffic access points, traffic circulation, Parking and loading facilities;
  - 410.7.4** Utilities servicing or proposed to service the property and Use;
  - 410.7.5** The proposed Use of all parts of the property, including Structures, access ways, walks, Open Spaces, landscaping, Signs and yards;
  - 410.7.6** The Use of land and location of Structures on adjacent property; and
- 410.8** Such other information regarding the property, proposed Use, or surrounding areas as may be required to determine if the proposed Conditional Use meets the applicable requirements of these Regulations; and
- 410.9** If the applicant desires that the Conditional Use be transferable, a written statement must be submitted that specifically requests that the Conditional Use be approved as a permanent Conditional Use and that it run with the land.

#### **411- FACTORS TO BE CONSIDERED IN EVALUATING AN APPLICATION FOR A CONDITIONAL USE**

The Board of Zoning Appeals may, in its discretion, approve an application for a Conditional Use if, upon review of the particular facts and circumstances, the Board of Zoning Appeals determines that the proposed Use meets all of the following conditions:

- 411.1** The proposed Use is a Conditional Use permitted in the Zoning District, and complies with all applicable development standards established in these Zoning Regulations.
- 411.2** The proposed Use is harmonious and in accordance with the general and specific objectives of Weathersfield Township's Comprehensive Plan and Zoning Regulation.
- 411.3** The proposed Use is of such nature and will be designed, constructed, operated and



maintained so as to be harmonious and appropriate with the existing and intended character of the general vicinity and that such Use will not change the essential character of the area.

- 411.4 The proposed Use is not hazardous or disturbing to existing or future neighboring Uses.
- 411.5 The proposed Use will not involve Uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or other hazards.
- 411.6 The proposed Use will be served adequately by essential public facilities and services such as highways, Streets, police and fire protection, drainage structures, refuse removal, water and sewers, or the persons or agencies responsible for the establishment of the proposed Use shall be able to provide any such services adequately.
- 411.7 The proposed Use shall not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- 411.8 The proposed Use has vehicular approaches to the property which shall be so designed as not to interfere with traffic on surrounding public Thoroughfares.
- 411.9 The proposed Use shall not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- 411.10 Any other conditions, factors and/or circumstances that the Board of Zoning Appeals deems relevant.

**412- FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A PROPOSED USE IS SUBSTANTIALLY SIMILAR**

When application is made for approval of a proposed Conditional Use that is not listed or provided for in these Regulations but is claimed to be a substantially similar Use to a specifically listed Use, the Board of Zoning Appeals may make a determination that the proposed Use is permitted as substantially similar to a specific Use that is listed or provided for in the Zoning District. A use that is not permitted in that Zoning District but is provided for as a Permitted Use or Conditional Use in another Zoning District may not be approved as a substantially similar use.

The following standards shall be considered by the Board when making a determination whether a Use is substantially similar to a permitted or a Conditional Use within a specific District:

- 412.1 The compatibility of the proposed Use with the general Use classification system as specified in these Regulations;
- 412.2 The nature, predominant characteristics, and intensity of the proposed Use in relation to those Uses specified by these Regulations in that District;
- 412.3 The size, dimensional requirements, Parking requirements, traffic generation potential, and other regulatory considerations normally associated with Uses as specified in these Regulations.

Should the Board of Zoning Appeals determine that a Use is substantially similar to a specific permitted or Conditionally Permitted Use provided for in these Regulations, it shall then approve the proposed Use.

#### **413- APPROVAL WITH CONDITIONS**

When granting any Conditional Use Certificate, the Board of Zoning Appeals may prescribe appropriate conditions to ensure that the Conditional Use is in accord with appropriate plans for the area, and to prevent undesirable effects on adjacent property and the surrounding area. Such conditions may include limitations on the character, height, and Use of any Structures or on the extent of development, requirements for additional Buffering or screening by fence or landscaping, changes in the method or plan for lighting, noise or odor control, limitation of access, traffic or Parking restrictions, additional Open Space, and any other conditions as may reasonably be required by the Board of Zoning Appeals. Violation of such conditions and safeguards, when made a part of the terms under which the request for a Conditional Use is granted, shall be deemed a violation of these Regulations.

#### **414- EXPIRATION OF A CONDITIONAL USE APPROVAL**

The applicant for a Conditional Use Certificate shall obtain the required Zoning Certificate and required Building or other permits in accordance with the approved Conditional Use within six (6) months of the Board of Zoning Appeals' approval of the Conditional Use, and shall commence the approved Use or complete construction in accordance with the approved Conditional Use within one (1) year of the Board of Zoning Appeals' approval of the Conditional Use, and if the applicant fails to comply with these deadlines the approval of the Conditional Use is void and of no further force and effect. Upon written application and a showing of good cause, the Zoning Inspector may grant an extension to these deadlines for a total period not to exceed six (6) months.

#### **415- VIOLATION OF THE PROVISIONS OF A CONDITIONAL USE**

No person shall violate any provision of any approved Conditional Use, nor shall any person misrepresent or fail to disclose any pertinent facts, circumstances, or conditions during the application and hearing procedures required to obtain approval of a Conditional Use. If the Zoning Inspector finds that such a violation(s) and/or misrepresentation(s) occurred, the approval of the Conditional Use shall be revoked, and the property owner must comply with these Regulations without benefit of the Conditional Use. In addition, the Zoning Inspector and the Board of Trustees may prosecute such violation(s) and/or misrepresentation(s) in the same manner as for other zoning violations.

#### **416- DISAPPROVAL OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE**

The Board of Zoning Appeals shall disapprove an application for a Conditional Use if the applicant does not clearly establish that the proposed Use meets the standards set forth in these Regulations.

#### **417- FEES FOR CONDITIONAL USE APPLICATIONS**

In order to cover necessary administrative, stenographic and advertising costs, fees for each Conditional Use application shall be paid to Weathersfield Township in accordance with a fee schedule established from time to time by the Weathersfield Township Board of Trustees.

#### **418- PROHIBITED USES**

Any Use not expressly permitted in one or more Zoning Districts is deemed to be a Prohibited Use. In addition, the following Uses are deemed to constitute a nuisance as they pose a threat to the residents of the township and neighboring property owners because of odors, noise, smoke, fumes, cinders, dust, vibration, electrical interference, risk of injury to persons or properties, or attract vermin, rodents, or flocking birds, such as starlings, that pose a hazard to aviation at the Youngstown Area Reserve Service. The following Uses are Prohibited in any Zoning District:

**418.1** Junk Yards, secondhand material yards, automobile graveyards, disassembly plants, or

places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, salvage, or junk for salvage or storage purposes

- 418.2** Strip Mining
- 418.3** Any process of assembly, manufacturing, or treatment which produces an offensive, noxious, or dangerous smoke, odor, dust, or noise, thereby creating a nuisance, or which detracts from, or devalues, other property within its general vicinity
- 418.4** Any process of assembly, manufacturing, or treatment which constitutes a hazardous Use, including, but not limited to: the manufacturing or storage of illuminating and other explosive or poisonous gases, except when such Use is necessary and incidental to a permitted Industrial process, and when the existence of all such hazardous Uses and materials have been fully disclosed to the Weathersfield Township Fire Prevention Authorities and all other appropriate regulatory agencies
- 418.5** The storage of secondhand materials for resale, and the storage, bailing, or treatment of junk, iron, rags, bottles, scrap paper, or any other scrap material, except within a completely enclosed Building
- 418.6** Any facility used for the manufacture, disposal, transfer, storage, dumping, processing or treatment of solid wastes, hazardous wastes, infectious waste, scrap tires, used oil, or other hazardous material. This does not prohibit the short-term storage or Use of small quantities of hazardous materials incidental to the operation of a business otherwise lawful and specifically permitted in a particular Use District such as a gas station, retail store, auto repair shop, nursery, or automobile vendor. Words used in this Section shall have the meaning ascribed to them in Ohio Revised Code §3734.01, et seq., except “hazardous material” means any material or substance: (a) defined as a “hazardous substance” pursuant to the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. §9601 et seq.) and amendments thereto and regulations promulgated thereunder; (b) defined as a “hazardous waste” pursuant to the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.) and amendments thereto and regulations promulgated thereunder, (c) which is explosive; (d) containing gasoline, oil, diesel fuel or other petroleum products; (e) containing polychlorinated biphenyls (PCBs); (f) containing asbestos; (g) which is radioactive; (h) the presence of which requires remediation by any federal, state, or local authority; (i) which is toxic, explosive, corrosive or otherwise hazardous and is or becomes regulated by any federal, state, or local authority; (j) waste water sludge; and (k) materials which are because of ignitability, corrosivity, reactivity or toxicity, are hazardous to the environment and a public health nuisance.
- 418.7** Any type of Residential Use or Dwelling, whether Single-Family or Multi-Family Dwellings, shall be prohibited in any Industrial District. Any Residential Dwelling already in existence prior to the establishment of the Industrial District shall be permitted as a prior “Nonconforming Use,” subject to the provisions of these Regulations.
- 418.8** Distilling of bones or fat; glue or gelatin manufacturing
- 418.9** Dumping, storing, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, unless such dumping is done at a place provided or approved by the Township Trustees for specific purposes
- 418.10** Slaughter houses on a commercial or industrial scale. This does not prohibit slaughtering and processing of individual animals for personal use.
- 418.11** Incinerators, including but not limited to solid waste incinerators and infectious waste incinerators

- 418.12** Solid Waste Landfills of any type, including transfer stations or Industrial landfills, except as specifically provided in Article 14.
- 418.13** Any business associated with disposal, storage, or hauling of any toxic, infectious, hazardous, or volatile material.
- 418.14** Confined livestock operations (i.e. feedlots, confined dairy, hog, chicken or egg production facilities)
- 418.15** Collection, storage or processing of scrap tires, including scrap tire collection facilities, scrap tire storage facilities, scrap tire recovery facilities, scrap tire monocell facilities, scrap tire monofill facilities, scrap tire processing facilities, scrap tire storage piles, or scrap tire submergence facilities. No scrap tires may be stored outdoors or buried on any Lot. No more than a total of ten (10) scrap tires may be stored inside Building(s) on a Lot zoned Agricultural or Residential, and no more than a total of one hundred (100) scrap tires may be stored inside Building(s) on any Lot zoned Commercial or Industrial.
- 418.16** Manufacturing or storage of explosives or fireworks
- 418.17** Basement Dwellings

## *ARTICLE 5- NONCONFORMING USES*

### **500- NONCONFORMING USES**

In order to encourage development and redevelopment consistent with these Zoning Regulations and Ohio Revised Code Section 519.19, and to allow property owners a reasonable Use of their land, Weathersfield Township shall allow Uses, Structures, and Lots that came into existence legally but that do not conform to one or more provisions of these Regulations (“prior Nonconforming Use”) to continue, but shall seek to bring as many aspects of such non-conformities into compliance with the requirements of these Zoning Regulations as is reasonably possible. Non-conformities shall not be enlarged, expanded or extended, and shall not be used as a basis to add or substitute other Structures, Buildings or Uses that are prohibited in the same District.

Any prior Nonconforming Use that was legally established prior to the date of the original enactment of these Zoning Regulations in 1956, or on the date of any amendment thereto, and that conformed with the applicable requirements but become nonconforming upon the adoption of these Zoning Regulations or a subsequent amendment to these Zoning Regulations, may be continued in accordance with the provisions of these Regulations.

### **501- NON-CONFORMING LOTS**

**501.1 Nonconforming Lots.** A lawfully existing lot which would be prohibited under this zoning resolution by reason of insufficient area, width, depth, frontage, or otherwise shall be considered a nonconforming lot. It is the intent of this section to permit such nonconforming lot to continue in its current use until it is altered to conforming status, but not to permit expansion of its use or nonconformity. No parcel may be divided to create a nonconforming lot.

**501.2 Nonconforming Adjacent Lots.** If two or more adjacent lots are in single ownership, and the individual lots do not meet the requirements established for lot area, width, depth, frontage or otherwise, the lots must be combined to better meet the area and frontage requirements for the required use before a zoning permit for any construction may be issued. None of the lots may be transferred to other ownership to avoid this requirement.

**501.3 Single Nonconforming Lots.** In any zoning district in which a use is permitted, such use may be permitted on any single lot of record at the effective date of this zoning resolution or applicable amendment thereto, notwithstanding the lot fails to meet area limitations of the district, provided such lot is in separate ownership from adjacent lots. The lot must still comply with setbacks, parking requirements, and development standards of the applicable zoning district other than area requirements. Variance of such development standards shall be obtained only through action of the Board of Zoning Appeals.

**501.4** A change to a non-conforming lot of record may be approved if the proposed change will decrease the non-conformity

**501.5** In any District in which a Single-Family Dwelling is permitted, a Single-Family Dwelling and Accessory Building may be constructed on any single Lot of record on the Effective Date of these amended Regulations, notwithstanding limitations imposed by other provisions of these Regulations, provided such Lot shall not be contiguous to any other Lot of the same ownership, shall not be less than fifty (50) feet in width at the building line and shall comply with all other District requirements including height, Lot coverage, and Setbacks.

## **502- NONCONFORMING USE OF LAND**

The lawful Use of land which Use would not be permitted by the provisions of these Regulations may be continued as long as such Use remains otherwise lawful, and provided:

**502.1** No such Nonconforming Use shall be enlarged or increased in its size, dimension, intensity and shall not be extended to occupy a greater area of land than such Use occupied on the date it became non-conforming.

**502.2** No such Nonconforming Use shall be moved in whole or in part to any area of the Lot other than that occupied by such Use at the Effective Date of these Regulations.

**502.3** Once a Nonconforming Use is abandoned, the Use's prior nonconforming status is eliminated and any subsequent Use of the property shall comply with the regulations of the Zoning District in which it is located. A Nonconforming Use will be considered abandoned when any of the following occurs:

**502.3.1** The intent of the owner to discontinue the Use is apparent;

**502.3.2** The Use has been voluntarily discontinued for a period of two (2) years or more as specified in ORC 519.19;

**502.3.3** The characteristic equipment and the furnishings associated with the Nonconforming Use have been removed from the premises and have not been replaced by similar equipment within the two (2) year period;

**502.3.4** The Nonconforming Use has been replaced by a conforming Use;

**502.3.5** A Zoning Certificate to reconstruct a damaged Nonconforming Use has not been secured within one (1) year of the date of occurrence of such damage, or construction has not been diligently pursued.

**502.4** No additional Structures shall be constructed on a Lot with a Nonconforming Use of land.

## **503- NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a lawful Building or Structure exists at the Effective Date of these Regulations that is not otherwise permitted pursuant to these Regulations due to Building area, Lot coverage, height,

Setbacks, yards, or location on the Lot, such Building or Structure may continue as long as it remains otherwise lawful, subject to the following:

- 503.1** In the event that any non-conforming Building or Structure is destroyed by any means to the more than sixty percent (60%) of the cost of replacement of such Structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any Use unless it conforms to all of these Regulations. When such a non-conforming Structure is damaged or destroyed to the extent of sixty percent (60%) or less of the replacement cost, the Structure may be restored or reconstructed to its original condition provided that:
- 503.1.1** A Zoning Certificate for such restoration is obtained within one (1) year of such damage or destruction;
  - 503.1.2** Such repair shall not cause a new or additional nonconformity, nor increase the size, dimension or intensity of the non-conformity that existed prior to such damage or destruction; and
  - 503.1.3** Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any Building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 503.2** Non-conforming Buildings and/or Structures shall not be enlarged, expanded or extended to occupy a greater area of land than was occupied when such Structure or Use became nonconforming.

#### **504- PRIOR ZONING APPROVALS**

Any zoning approval or variance granted prior to the adoption of an amendment to these Regulations shall remain in effect subject to the provisions of the Zoning Regulations and terms of such approval. Any zoning application which has not been changed to the approved zoning or site plan shall require re-submittal of the zoning application and shall meet all requirements of these amended Regulations.

#### **505- REPAIRS AND MAINTENANCE**

Repairs and maintenance of any non-conforming Structure or portion thereof containing a Nonconforming Use is permitted, including ordinary maintenance, repair, or repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided the size of the Structure that existed when it became non-conforming shall not be increased. Where appropriate, a Zoning Certificate for such activities shall be required.

#### **506- CHANGES TO NONCONFORMING USE OR STRUCTURE**

Should any Nonconforming Use or Structure be changed or altered so that it is brought into compliance with these Zoning Regulations, it shall not be resumed or returned to its prior nonconforming status. Should any Nonconforming Use or Structure be changed or altered so that it is decreased in its level or degree of nonconformity with these Regulations, it may be continued at its decreased level or degree of nonconformity; however, it shall not be returned to its prior degree of nonconformity. Upon application, the Board of Zoning Appeals may permit the substitution of a Nonconforming Use where a Nonconforming Use already exists if the Board determines that the proposed Use is equally appropriate or more appropriate to the Zoning District as compared to the existing Nonconforming Use. The Board of Zoning Appeals may also permit structural alterations which either decrease or maintain the existing degree of nonconformity.

#### **507- ANNUAL REGISTRATION**

In order to maintain an accurate record of the Nonconforming Uses and Structures existing within

the Township, all Nonconforming Uses and Structures shall be registered with the Zoning Inspector. It shall be the responsibility of each owner of any nonconforming property to file with the Zoning Inspector an annual statement of the existence and status of any Nonconforming Use or Structure.

## *ARTICLE 6 - AGRICULTURAL - SUBURBAN ESTATE RESIDENTIAL DISTRICT - A-SER*

### **600- PURPOSE**

The purpose of the A-SER District is to preserve and protect the decreasing supply of prime Agricultural land and Open Space, and to permit a degree of low Density development of a rural residential nature.

### **601- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

**601.1** Agricultural Buildings, barns and their Accessory Uses and Structures

**601.2** The growing and selling, either retail or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from Agriculture, aquaculture, farming, Dairying, pasturage, apiculture, horticulture, floriculture, viticulture and Animal and Poultry Husbandry

**601.3** Single-Family Dwelling houses and their Accessory Uses and Buildings

**601.3.1** Only one Single-Family Dwelling per Lot is permitted

**601.3.2** Mobile Homes, Manufactured Homes and House Trailers are not permitted

**601.4** Governmental and Public Buildings

**601.5** Home Occupations

### **602- CONDITIONALLY PERMITTED USES**

After obtaining a Conditional Use Certificate in accordance with the provisions of these Regulations, the following Uses may be permitted:

**602.1** Bed and Breakfasts

**602.2** Churches or houses of worship

**602.3** Clubs

**602.4** Group Homes

**602.5** Hospitals

**602.6** Kennel, Animal Boarding, Animal Daycare, Animal Rescue for Dogs, Animal Shelter for Dogs, High Volume Breeder

**602.7** Day Care Centers

**602.8** Recreational Areas, indoor or outdoor

**602.9** Telecommunication towers (see Article 20)

**602.10** Substantially similar Uses (see Article 400, Section 412)

### **603- GENERAL REQUIREMENTS**

In addition to all other applicable requirements set forth in these Regulations, the following standards for arrangements and development of land and Buildings are required in the Agricultural-Suburban Estate Residential District:



- 603.1 Height Limitations.** Dwellings and non-Agricultural Structures shall not exceed thirty-five feet (35') in height. There shall be no limit on the height of Agricultural Structures (barns, silos, etc.) except that for each foot the height of such Structure exceeds thirty-five feet (35'), the total width of the two (2) Side Yards shall be increased by two feet (2').
- 603.2 Lot Area.** The Minimum Lot Area shall be one (1) Acre.
- 603.3 Frontage.** The Frontage shall be no less than seventy feet (70') at the front Property Line.
- 603.4 Lot Width.** The minimum Lot Width at the Building line shall be one hundred feet (100').
- 603.5 Lot Depth.** The minimum Lot depth shall be two hundred feet (200').
- 603.6 Front Yard Setback.** The Building Setback at the front shall not be less than seventy-five feet (75') from the Street or Right-of-Way Line, or one hundred feet (100') from the Street center line, whichever is greater. However, where there are existing Buildings, other than Accessory Buildings, within one hundred fifty feet (150') of each side of the proposed Building and fronting on the same side of the Street, with a set-back of less than the required minimum of seventy-five (75') feet, the Set-back may be determined by a mean distance of the Set-back of such adjacent Buildings. No Building shall be placed closer than thirty feet (30') from the Street Right-of-Way Property Line.
- 603.7 Rear Yard Setback.** The Rear Yard Setback shall be no less than eighty feet (80').
- 603.8 Side Yard Setbacks.** The minimum Side Yard is fifty feet (50') in total. The minimum on the least width side of ten (10) feet. The minimum total Side Yard is reduced to forty-six feet (46') if there is an attached Garage or Open Porch on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than thirty feet (30') to the Street Right-of-Way Line or closer than ten feet (10') to the Interior Lot Line.
- 603.9 Minimum Floor Area Per Unit.** No Dwelling shall have a livable ground Floor Area which totals less than:
- 1300 square feet - one Story with Basement
  - 1600 square feet - one Story without Basement
  - 650 square feet - per floor for two Story
  - 900 square feet - ground floor of a Story and a half
  - 1300 square feet - split level - total living area of all levels

## *ARTICLE 7 - RESIDENTIAL A DISTRICT – SINGLE-FAMILY DWELLINGS - RES-A*

### **700- PURPOSE**

The purpose of the Residential A (RES-A) District is to encourage the establishment of low Density Single-Family Dwellings.

### **701- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

#### **701.1** Single-Family Dwellings and their permitted Accessory Uses and Buildings

**701.1.1** Only one Single-Family Dwelling per Lot is permitted

**701.1.2** Only one detached Garage per Lot is permitted

**701.1.3** Mobile Homes, Manufactured Homes and House Trailers are not permitted

**701.2** Home Occupations

**701.3** Governmental and Public Buildings

### **702- CONDITIONALLY PERMITTED USES**

After obtaining a Conditional Use permit in accordance with the provisions of these Regulations, the following Uses may be permitted:

**702.1** Churches or houses of worship

**702.2** Recreational Areas, indoor or outdoor

**702.3** Substantially similar Uses (see Article 400, Section 412)

**702.4** Telecommunication towers (see Article 20)

### **703- GENERAL REQUIREMENTS**

In addition to all other applicable requirements set forth in these Regulations, the following standards for arrangements and development of land and Buildings are required in the Residential A District:

**703.1 Height Limitations.** No Dwelling shall exceed thirty-five feet (35') in height from the grade level, and no detached Garage or other Structures shall exceed eighteen feet (18') in height from the grade level.

**703.2 Lot Area.** The Minimum Lot Area shall be eleven thousand, five hundred and twenty (11,520) square feet.

**703.3 Frontage.** The Frontage shall be no less than seventy feet (70') at the front Property Line.

**703.4 Lot Width.** The minimum Lot Width at Building line shall be seventy feet (70').

**703.4.1 Exceptions:** Upon obtaining the approval of the Board of Zoning Appeals, any developer of multiple Lots who dedicates ten percent (10%) of the total property to be developed as public Recreation Area may develop Lots with sixty-five feet (65') of width at the Building line.

**703.5 Lot Depth.** The minimum Lot depth shall be one hundred forty feet (140').

- 703.6 Front Yard Setback.** The Building Setback at the front shall not be less than fifty feet (50') from the Street Right-of-Way Line. However, where there are existing Buildings, other than Accessory Buildings, within one hundred fifty feet (150') of each side of the proposed Building and fronting on the same side of the Street, with a set-back of less than the required minimum of fifty (50) feet, the Set-back may be determined by a mean distance of the set-back of such adjacent Buildings. No Building shall be placed closer than thirty feet (30') from the Street Right-of-Way Line.
- 703.7 Rear Yard Setback.** The Rear Yard Setback shall be no less than forty feet (40').
- 703.8 Side Yard Setbacks.** The minimum Side Yard is twenty feet (20') in total with a minimum on the least width side of eight (8) feet. The minimum total Side Yard is reduced to sixteen feet (16') if there is an attached Garage or Open Porch on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than twenty feet (20') from the Street Right-of-Way Line or closer than eight feet (8') to the Interior Lot Line.
- 703.9 Minimum Floor Area Per Unit.** No Dwelling shall have a livable ground Floor Area which totals less than:
- 1300 square feet - one Story with Basement
  - 1600 square feet - one Story without Basement
  - 650 square feet - per floor for two Story
  - 900 square feet - ground floor of a Story and a half
  - 1300 square feet - split level - total living area of all levels

**704- LOTS PLATTED PRIOR TO ADOPTION OF THE ZONING REGULATION**

When a Lot Platted prior to the time of the original enactment of this Zoning Regulation is less than sixty feet (60') wide, the total width of the two (2) Side Yards may be reduced to no less than sixteen feet (16'), and further provided the narrower of the two (2) Side Yards shall be no less than seven feet (7').

## *ARTICLE 8 - RESIDENTIAL B DISTRICT – ONE AND TWO-FAMILY DWELLINGS - RES-B*

### **800- PURPOSE**

The purpose of the Residential B (RES-B) District is to permit the establishment of medium Density Single-Family and Two-Family Dwellings.

### **801- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

**801.1** Single-Family Dwellings and their permitted Accessory Uses and Buildings

**801.2** Two-Family Dwellings and their Accessory Uses and Buildings

**801.2.1** Only one Single-Family or Two-Family Dwelling per Lot is permitted

**801.2.2** Mobile Homes, Manufactured Homes and House Trailers are not permitted

**801.3** Home Occupations

**801.4** Governmental and Public Buildings

### **802- CONDITIONALLY PERMITTED USES**

After obtaining a Conditional Use permit in accordance with the provisions of these Regulations, the following Uses may be permitted:

**802.1** Churches or houses of worship

**802.2** Recreational Areas, indoor or outdoor

**802.3** Day Care Centers

**802.4** Bed and Breakfasts

**802.5** Group Homes

**802.6** Substantially similar Uses (see Article 400, Section 412)

**801.5** Telecommunication towers (see Article 20)

### **803- GENERAL REQUIREMENTS**

In addition to all other applicable requirements set forth in these Regulations, the following standards for arrangements and development of land and Buildings are required in the Residential B District.

### **804- SINGLE FAMILY DWELLINGS & TWO FAMILY DWELLINGS**

**804.1 Height Limitations.** No Dwelling shall exceed thirty-five feet (35') in height from the grade level, and no detached Garage or other Structures shall exceed eighteen feet (18') in height from the grade level.

**804.2 Lot Area.** The Minimum Lot Area shall be eleven thousand, five hundred and twenty (11,520) square feet.

**804.3 Frontage.** The Frontage shall be no less than seventy feet (70') at the front Property Line.

**804.4 Lot Width.** The minimum Lot Width at Building line shall be seventy feet (70').

- 804.4.1 Exceptions.** Upon obtaining the approval of the Board of Zoning Appeals, any developer of multiple Lots who dedicates ten percent (10%) of the total property to be developed as public Recreation Area may develop Lots with sixty-five feet (65') of width at the Building line.
- 804.5 Lot Depth.** The minimum Lot depth shall be 140 feet (140').
- 804.6 Front Yard Setback.** The Building Setback at the front shall not be less than fifty feet (50') from the Road Right-of-Way Line. However, where there are existing Building or Buildings, other than Accessory Buildings, within one hundred fifty feet (150') of each side of the proposed Building and fronting on the same side of the Street, with a Set-back of less than the required minimum of fifty (50) feet, the Setback may be determined by a mean distance of the set-back of such adjacent Buildings. No Building shall be placed closer than thirty feet (30') to the front Street Right-of-Way Line.
- 804.7 Rear Yard Setback.** The Rear Yard Setback shall be no less than forty feet (40').
- 804.8 Side Yard Setbacks.**
- 804.8.1 Single Family Dwelling.** The minimum Side Yard is sixteen feet (16') in total with a minimum on the least width side of eight feet (8'). On Corner Lots no Structure shall be placed closer than twenty feet (20') from the Street Right-of-Way Line or closer than eight feet (8') to the Interior Lot Line.
- 804.8.2 Two-Family Dwelling.** The minimum Side Yard is twenty-two feet (22') in total with a minimum on the least width side of eight feet (8'). The minimum total Side Yard is reduced to eighteen feet (18') if there is an attached Garage or Open Porch on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than twenty feet (20') from the Street Right-of-Way Line or closer than eight feet (8') to the Interior Lot Line.
- 804.9 Minimum Floor Area Per Unit.** No Dwelling shall have a livable ground Floor Area which totals less than:
- 1300 square feet - one Story with Basement
  - 1600 square feet - one Story without Basement
  - 650 square feet - per floor for two Story
  - 900 square feet - ground floor of a Story and a half
  - 1300 square feet - split level - total living area of all levels

## **805- LOTS PLATTED PRIOR TO ADOPTION OF THE ZONING REGULATION**

When a Lot Platted prior to the time of the original enactment of this Zoning Regulation is less than fifty feet (50') wide, the total width of the two (2) Side Yards for a Single-Family Dwelling may be reduced by six inches (6") for each foot of difference to a total width of not less than ten feet (10'). The width of the narrower of the two (2) Side Yards shall not be less than five feet (5'). Two-Family Dwellings may only be built on Lots with a minimum of seventy feet (70') at the Building line and a depth of no less than one hundred forty feet (140').

## *ARTICLE 9 - RESIDENTIAL C DISTRICT – MULTI-FAMILY DWELLINGS - RES-C*

### **900- PURPOSE**

The purpose of Residential C (RES-C) District is to permit the establishment of Multi-Family Residential Dwellings. It is the intent of these Regulations that the overall size of any RES-C District be limited in order to prevent over-concentration when future zoning requests are considered.

### **901- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

**901.1** Single Family Dwellings and their permitted Accessory Uses and Buildings

**901.2** Two-Family Dwellings and their Accessory Uses and Buildings

**901.2.1** Single Family Dwellings and Two-Family Dwellings and their Accessory Buildings must meet the Setback and other requirements set forth in Article 8, Section 804

**901.2.2** Mobile Homes, Manufactured Homes and House Trailers are not permitted

**901.3** Multi-Family Dwellings

**901.4** Group Homes

**901.5** Governmental and Public Buildings

**901.6** Home Occupations

### **902- CONDITIONALLY PERMITTED USES**

After obtaining approval for a Conditional Use in accordance with the provisions of these Regulations, the following Uses may be permitted:

**902.1** Churches or houses of worship

**902.2** Recreational Areas, indoor or outdoor

**902.3** Multi-Family Dwellings within a unified development on a property with a land area of no less than five (5) Acres or on a property bounded on all sides by Streets or park or other permanent Open Space, provided:

**902.3.1** The height of the Structures shall not exceed three (3) stories or thirty-five feet (35')

**902.3.2** The coverage of the land area, exclusive of Garages and Accessory Buildings, shall not exceed ten percent (10%)

**902.4** Day Care Centers

**902.5** Short-Term Rental

**902.6** Bed and Breakfasts

**902.7** Group Homes

**902.8** Telecommunication towers (see Article 20)

**902.9** Substantially similar Uses (see Article 400, Section 412)

## **903- GENERAL REQUIREMENTS**

All Single-Family and Two-Family Dwellings must comply with the requirements set forth in Article 8, Section 804.

### **Multi-Family Dwellings**

**903.1 Height Limitations.** Dwellings or Structures shall not exceed thirty-five feet (35') in height from the grade level, and no detached Garage shall exceed eighteen feet (18') in height from the grade level.

**903.2 Lot Area and Frontage.**

12,000 square feet for three-Family Dwellings  
15,500 square feet for four-Family Dwellings  
19,000 square feet for five-Family Dwellings  
22,500 square feet for six-Family Dwellings  
26,000 square feet for seven-Family Dwellings  
29,500 square feet for eight-Family Dwellings  
33,000 square feet for nine-Family Dwellings  
36,500 square feet for ten-Family Dwellings  
40,000 square feet for eleven-Family Dwellings  
43,500 square feet for twelve-Family Dwellings

**903.3 Lot Width.** Minimum Lot Width at Building line shall be seventy feet (70').

**903.3.1 Exceptions.** Upon obtaining the approval of the Board of Zoning Appeals, any developer of multiple Lots who dedicates ten percent (10%) of the total property to be developed as public Recreation Area may develop Lots with sixty-five feet (65') of width at the Building line.

**903.4 Lot Depth.** Minimum Lot depth shall be one hundred forty feet (140').

**903.5 Front Yard Setback.** The Building Setback at the front shall not be less than fifty feet (50') from the Street Right-of-Way Line, or one hundred feet (100') from the Street center line, whichever is greater.

**903.6 Rear Yard Setback.** There shall be a Rear Yard of no less than forty feet (40').

**903.7 Side Yard Setback.**

**903.7.1 For Multi-Family Dwellings up to and including Six-Family Dwellings.** The minimum Side Yard is sixteen feet (16') in total with a minimum on the least width side of eight feet (8'). On Corner Lots no Structure shall be placed closer than twenty feet (20') from the Street Right-of-Way Line or closer than eight feet (8') to the Interior Lot Line.

**903.7.2 For Multi-Family Dwellings of Seven or more Families.** The minimum Side Yard is twenty-five feet (25') in total with a minimum on the least width side of eight feet (8'). On Corner Lots no Structure shall be placed closer than twenty feet (20') to the Street Right-of-Way Line or closer than eight feet (8') to the Interior Lot Line.

**903.8 Minimum Floor Area Per Unit.** No Dwelling shall have a livable ground Floor Area which totals less than:

1300 square feet - one Story with Basement  
1600 square feet - one Story without Basement  
650 square feet - per floor for two Story  
900 square feet - ground floor of a Story and a half

1300 square feet - split level - total living area of all levels

- 903.9 Cul-De-Sacs.** Lots Platted on Cul-De-Sacs shall have no less than sixty feet (60') at the front Property Line and the minimum depth shall be measured at the center of the Lot.
- 903.10 Density.** There shall be no more than twelve (12) Dwelling Units per Acre of land. The maximum Lot coverage of all Structures shall not be more than 35 percent (35%) of the total Lot Area.
- 903.11 Distance Between Buildings.** If two or more one- Story Buildings exist on the same Lot, the distance between each of said Buildings shall be at least sixteen feet (16') measured at ground level grade between the exterior walls of said Buildings. If a one-Story Building and one or more two-Story Buildings exist on the same Lot, the distance between said Buildings shall be at least twenty feet (20') measured at ground level between the exterior walls of said Buildings. If two or more two-Story Buildings are located on the same Lot, the distance between said Buildings shall be twenty-five feet (25') measured at ground level grade between the exterior walls of said Buildings.
- 903.12 Buffering.** All areas surrounding a Multi-Family development shall be properly landscaped with grass, evergreen ground cover, trees, hardy shrubs, and/or other similar vegetation, and shall be maintained in good condition. Where the Multi-Family development is located adjacent to, faces, or adjoins a Residential District, those boundaries shall be effectively screened by an acceptably designed wall, fence, or evergreen planting screen.
- 903.13 Access Roads.** There shall be a minimum of two (2) Access Roads for ingress/egress to/from for each Multi-Family Development except for those sited on Cul-De-Sacs.
- 903.14 Parking Spaces.** A Garage or Parking space shall be provided on the same Lot or within the unified development, to park at least two (2) cars for each Dwelling Unit. No Front or Side Yard Setback area shall be used for Parking. Outdoor lighting shall be provided and maintained for all Parking and Entrance ways.

#### **904- TRASH CONTAINERS**

Covered trash dumpsters and recycling bins shall be provided sufficient to provide disposal for each Dwelling Unit, and shall be completely enclosed by a wall or fencing not less than six feet (6') in height. Other requirements are set forth in Article 16, Section 1617 of these Regulations.

#### **905- AIR CONDITIONING EQUIPMENT**

All air conditioning equipment shall be so designed and located so as to transmit no noise or vibration to adjacent properties, insofar as practicable. Furthermore, such equipment shall be screened from view from adjacent properties or public Streets by use of landscaped screens, walls, fences or other devices, and such screening shall consider the view of air-conditioning equipment from adjacent multi-Story Buildings.



*ARTICLE 10 - RESIDENTIAL D DISTRICT*  
*MOBILE HOME PARKS/MANUFACTURED HOME DEVELOPMENTS - RES-D*

**1000- PURPOSE**

It is the purpose of Weathersfield Township Residential D (RES-D) District to establish suitable sites for Mobile Home Parks and Manufactured Home Developments at appropriate locations, considering the existing and potential development of their surroundings, community facilities, and relation to other land Uses.

**1001- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these regulations, the following uses are permitted in a Residential D District. Any Use not expressly permitted is deemed to be a Prohibited Use.

- 1001.1** Mobile Homes and Accessory Buildings and Uses customarily incident thereto
- 1001.2** Campgrounds which accommodate Trailers and recreational vehicles
- 1001.3** Manufactured Home Developments

**1002- PROCEDURE FOR APPROVAL OF MOBILE HOME PARK/MANUFACTURED HOME DEVELOPMENT**

Mobile Home Parks/Manufactured Home Developments (hereinafter jointly referred to as a “Mobile Home Park”) shall be located only within a Residential D District. The owner or owners of a tract of land of at least ten (10) Acres seeking to develop any portion of a Mobile Home Park shall submit an application for a Zoning Certificate with a plan for the development to the Weathersfield Township Board of Zoning Appeals. The application shall include the approval of the Director of the Health as required by Ohio Administrative Code 3701-27-05 et seq., or the Manufactured Homes Commission as required by R.C. 4781.31, as applicable. The Zoning Inspector shall have thirty (30) days to review the proposed development and shall issue a Zoning Certificate if the Zoning Inspector approves or approves with modifications the proposed development plan.

**1003- COMPLIANCE WITH LAW**

Each Manufactured Home Development shall comply with Chapter 4781 of the Ohio Revised Code, and each Mobile Home Park shall comply with Chapter 3701-27 of the Ohio Administrative Code, and both shall comply with all requirements imposed by the Trumbull County Health Department, the provisions of these Zoning Regulations, and any other applicable laws or regulations.

**1004- ZONING REQUIREMENTS**

- 1004.1 Buffer-** The location and planning of the Mobile Home Park and the amount, arrangement and treatment of Open Space shall be designed to ensure a satisfactory living environment and shall consider the property owners adjacent to the development. There shall be established and maintained an Open Space landscaped Buffer along the entire exterior boundary of the Mobile Home Park. This Buffer shall not be less than forty feet (40') or the required Front Yard, whichever is greater, along the Front Lot Line, or less than fifty feet (50') along any other line. The Buffer required herein shall be maintained as Open Space and landscaping in its entirety, and no areas used for access, Parking, circulation, building or service or other accessories of the Mobile Home Park shall be located within any part of such Buffer.
- 1004.2 Density of Development -** The maximum Density shall not exceed ten (10) Mobile Homes or Manufactured Home units per Acre. Each Home must be placed on its Lot to provide

not less than fifteen feet (15') between the side of one Home and the side of another Home, ten feet (10') between the end of one Home and the side of another Home, and five feet (5') between the ends of two Homes placed end to end.

- 1004.3 Park Accessory Buildings and Uses** - Permitted Mobile Home Park Accessory Buildings and Uses shall include a management office, a permanent Dwelling for one (1) family to be inhabited by the park operator, a sales/rental office, laundry facilities, Recreation Areas and a convenience store for the sale of convenience goods and services exclusively for and to occupants of the Mobile Home Park.
- 1004.4 Mobile Home Lot Accessory Buildings** - Permitted Accessory Buildings include a shed, Garage, or storage Building. No more than one Accessory Building may be located on each Mobile Home Lot.
- 1004.5 Recreational Area** - Every Mobile Home Park shall provide one or more Recreation Areas easily accessible to all residents of the park. The aggregate size of such areas shall be not less than five percent (5%) of the total land area of the Mobile Home Park. Such Recreation Areas shall be graded and arranged and provided with appropriate equipment for full recreational Use of the area. No such Recreation Area shall be located in any part of the Buffer.
- 1004.6 Access Roads** - Each Mobile Home Park shall abut and have access to a public Street, and each Mobile Home and Manufactured Home Lot shall have direct access to the private internal Road system, either by direct Frontage or by means of a ten foot (10'), hard-surfaced Driveway. The internal Road system shall provide adequate ingress/egress for Fire Department and other emergency vehicles to all areas of the Mobile Home Park.
- 1004.7 Parking** - Off-Street Parking spaces shall be provided in the ratio of two (2) spaces for each Mobile Home or Manufactured Home Lot; such spaces shall be within two hundred feet (200') from the Mobile Home and Manufactured Home or Homes served. No Parking space shall be located within any part of the Buffer.
- 1004.8 Foundation** - Each Mobile Home and Manufactured Home shall be located on a permanent masonry, concrete or other approved foundation.
- 1004.9 Lighting** - Each Mobile Home Park shall be adequately lighted for safety at night; all such lights shall be so located and shielded to prevent direct illumination of any area outside the park.
- 1004.10 Drainage** - Each Mobile Home Park shall be graded and drained to prevent standing water.
- 1004.11 Public Water and Sewage** - Public Water and sewage shall be provided for every Home in the Mobile Home Park.
- 1004.12 Emergency Shelter** - Each Mobile Home Park shall provide a storm/emergency shelter with a capacity for no less than three (3) people per Mobile Home Lot.

#### **1005- ADDITIONAL REQUIREMENTS**

In addition to the foregoing, the Weathersfield Township Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the design, development and operation of such Mobile Home Park as it may deem necessary for the protection of adjacent properties and the public interest.

#### **1006- DEVELOPMENT OF AN EXISTING MOBILE HOME PARK**

Any enlargement, extension or further development of an existing Mobile Home Park shall be subject to the provisions of this Article.

## *ARTICLE 11 - COMMERCIAL A DISTRICT – PROFESSIONAL OFFICES - COM-A*

### **1100- PURPOSE**

The purpose of the Commercial A (COM-A) District is to encourage the establishment of professional, administrative, clerical and similar Uses; and also to encourage the establishment of limited pocket areas for small convenient businesses which are intended to meet the daily or regular needs of the residents of an immediate neighborhood. It is intended to encourage Use by pedestrians as well as the motoring resident. It is recognized that this District can be effectively used as a transitional Buffer between more intense Business Districts and Residential Districts.

### **1101- PERMITTED USES**

Upon application for a Zoning Certificate the Zoning Inspector shall issue a Zoning Certificate for the following Uses. Any Use not expressly permitted is deemed to be a Prohibited Use.

- 1101.1** Administrative offices carrying on no retail trade with the general public and having no stock or goods for sale to customers.
- 1101.2** Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, such as:
  - 1101.2.1** Offices of physicians and surgeons
  - 1101.2.2** Offices of dentists and dental surgeons
  - 1101.2.3** Offices of osteopaths
  - 1101.2.4** Offices of chiropractors
  - 1101.2.5** Medical and dental laboratories - normally associated with and directly serving the medical and dental offices permitted in this District
  - 1101.2.6** Legal offices
  - 1101.2.7** Real estate offices
  - 1101.2.8** Insurance offices
  - 1101.2.9** Engineering and architectural services offices
  - 1101.2.10** Accounting, auditing and bookkeeping services
  - 1101.2.11** Funeral homes
  - 1101.2.12** Day Care Centers, nursery schools, private and commercial schools
  - 1101.2.13** Quasi-Public Buildings
  - 1101.2.14** Governmental and Public Buildings
  - 1101.2.15** Cemeteries
  - 1101.2.16** Boarding, Rooming or Lodging Houses
- 1101.3** Buildings housing organizations and associations, organized on profit-making or nonprofit-making bases, for the promotion of membership interests
- 1101.4** Retail businesses which supply commodities or perform services primarily for the residents of the local community, including but not limited to the following:
  - 1101.4.1** Grocery stores

- 1101.4.2** Dairy stores
- 1101.4.3** Convenience food stores
- 1101.4.4** Restaurants not requiring licensing from the Ohio Department of Liquor Control (without drive-thru and/or outdoor seating)
- 1101.4.5** Banks and loan companies
- 1101.4.6** Holding, investment and trust companies
- 1101.4.7** Drug stores
- 1101.4.8** Beauty salons and stores
- 1101.4.9** Nail salons
- 1101.4.10** Barber shops
- 1101.4.11** Public service facilities
- 1101.4.12** Photo, dance, art and music studios
- 1101.4.13** Self-service laundry facilities
- 1101.4.14** Appliance Repair shops
- 1101.4.15** Drop-off only dry-cleaning services
- 1101.4.16** Caterers
- 1101.4.17** Food trucks
- 1101.4.18** Funeral homes
- 1101.4.19** Day Care Centers, nursery schools, private and commercial schools
- 1101.5** Outdoor Vendors – See Article 18, Section 1802 of these regulations for requirements and restrictions
- 1101.6** Accessory Uses and Accessory Structures

## **1102- CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may approve a Conditional Use for any of the Uses listed within this Section to be located within a Commercial A District, subject to the provisions of Article 4 of these Regulations:

- 1102.1** Offices of Veterinarians, Animal Hospitals, and Clinics
- 1102.2** Institutions
- 1102.3** Beverage shops
- 1102.4** Research, development, and testing laboratories that do not emit noxious fumes or dust
- 1102.5** Community shopping centers, plazas, and malls, which are smaller than seventy-five thousand (75,000) square feet
- 1102.6** Restaurants not requiring licensing from the Ohio Department of Liquor Control (with drive-thru and/or outdoor seating)
- 1102.7** Churches and houses of worship
- 1102.8** Clubs
- 1102.9** Cemeteries

- 1102.10 Accessory Dwellings
- 1102.11 Group Homes
- 1102.12 Professional and trade schools
- 1102.13 Recreational Areas, indoor or outdoor
- 1102.14 INTENTIONALLY DELETED
- 1102.15 Single, Two, or Multiple-Family apartments located above a business
- 1102.16 Substantially similar Uses (see Article 400, Section 412)

### 1103- **GENERAL SITE REQUIREMENTS**

- 1103.1 **Lot Area and Width.** Minimum width of eighty feet (80') and Minimum Lot Area of ten thousand (10,000) square feet; except that nothing in this ordinance shall prevent the Use of Lots Platted prior to the enactment of these Regulations provided all other general requirements are met.
- 1103.2 **Front Yard.** The Building Setback at the front shall not be less than fifty feet (50') from the Street Right-of-Way Line, or one hundred feet (100) from the Street center line, whichever is greater.
- 1103.3 **Side Yard.** Total Side Yard of no less than twenty feet (20') and the width of the narrowest shall be no less than eight feet (8'). On Corner Lots, the Setback from the side Street Right-of-Way Line shall be no less than twenty feet (20'). If there is driveway access to the Lot from the side Street, the minimum Building Setback from the side street shall be 40 feet from the Street Right-of-Way Line.
- 1103.4 **Rear Yard.** Minimum of fifteen feet (15'). If a service court, Delivery Area or Alley access is located in the Rear Yard, the minimum shall be increased to forty-five feet (45').
- 1103.5 **Height.** No Building shall exceed thirty-five feet (35') in height.
- 1103.6 **Maximum Building Area.** The total area of all buildings shall not exceed thirty five percent (35%) of the area of the Lot.

### 1104- **RESIDENTIAL USES**

Residential Uses are discouraged in Commercial Districts, except for apartments located above businesses. If a Residential Dwelling is permitted, the Front, Side and Rear Yard requirements, and the area, Lot, width, and height restrictions for Residential B District shall be adhered to.

### 1105- **BUFFERING**

Adjoining Residential property shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound as set forth in Article 17, Section 1700, Green Area/Buffering.

### 1106- **TRASH CONTAINERS**

Trash and recycling containers shall be screened in accordance with Article 16, Section 1617 of these Regulations.

### 1107- **FENCING/PRIVACY WALLS**

See Article 17– Green Area, Buffering, Lighting, Fences and Parking

**1108- SITE DRAINAGE**

All new Commercial A construction must retain or detain any additional storm water runoff at its location. Developers are required to submit a detailed site drainage plan, which shows where the water will discharge and the rate of discharge. The rate cannot exceed that which is currently coming from that location construction.

## *ARTICLE 12 - COMMERCIAL B DISTRICT – GENERAL BUSINESS – COM-B*

### **1200- PURPOSE**

The purpose of the Commercial B (COM-B) District is to encourage the establishment of areas for general business Uses to meet the needs of both regional and local market areas. Activities in this District are often large space users with limited and controlled access to the adjacent Street.

### **1201- PERMITTED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

- 1201.1** Commercial broadcasting stations
- 1201.2** Any Permitted Use as is specified within Section 1101
- 1201.3** Accessory Uses and Accessory Structures in conjunction with Permitted Uses
- 1201.4** INTENTIONALLY DELETED
- 1201.5** Bank and loan companies
- 1201.6** Holding, investment and trust companies
- 1201.7** Restaurants, bars, carry-outs or other establishments which require licensing from the Ohio Department of Liquor Control (with or without drive-thru or outdoor seating)
- 1201.8** Caterers
- 1201.9** Clubs
- 1201.10** Day Care Centers
- 1201.11** Funeral homes
- 1201.12** Hotels and Motels which do not require licensing from the Ohio Department of Liquor Control
- 1201.13** Short-Term Rentals
- 1201.14** Internet cafes
- 1201.15** Meeting or reception halls
- 1201.16** Photo, dance, art and music studios
- 1201.17** Movie theatres
- 1201.18** Personal services
- 1201.19** Professional offices
- 1201.20** Professional or trade schools
- 1201.21** Recreational Areas, indoor or outdoor
- 1201.22** INTENTIONALLY DELETED
- 1201.23** Offices of Veterinarians, Animal Hospitals, and Clinics
- 1201.24** INTENTIONALLY DELETED
- 1201.25** Outdoor Vendors
- 1201.26** Cemeteries

## **1202- CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may approve a Conditional Use for any of the Uses listed within this Section, subject to the provisions of Article 4 of these Regulations:

- 1202.1** All Conditionally Permitted Uses as are provided within Section 1102 of these Regulations
- 1202.2** Single, Two, or Multiple-Family Dwelling Units located above a ground floor business
  - 1202.2.1** Two-Family Dwellings (duplexes) shall meet the general requirements of Article 8, Section 804
- 1202.3** Communication towers, radio towers, cell telephone towers and their Accessory Uses
- 1202.4** Kennel, Animal Boarding, Animal Daycare, Animal Rescue for Dogs, Animal Shelter for Dogs, High Volume Breeder
- 1202.5** Shopping centers, plazas, and malls
- 1202.6** Hotels and Motels which require licensing from the Ohio Department of Liquor Control
- 1202.7** Outdoor or Roadside Display or sales of merchandise
- 1202.8** Testing laboratories
- 1202.9** Tattoo and body piercing businesses provided that no such business shall be located within one thousand feet (1,000') from any house of worship or school.
- 1202.10** Payday loan businesses
- 1202.11** Bowling Alleys and billiard and pool establishments
- 1202.12** Dance halls, studios, and schools
- 1202.13** Community Swimming Pools, and skating rinks, ice or roller
- 1202.14** Churches or places of worship
- 1202.15** Drive-Through Businesses and Restaurants
- 1202.16** Substantially similar Uses (see Article 400, Section 412)

## **1203-GENERAL REQUIREMENTS OF COMMERCIAL B**

- 1203.1 Lot Area and Width.** Minimum width of one hundred feet (100') and a Minimum Lot Area of twenty thousand (20,000) square feet shall be required except that nothing in these Regulations shall prevent the Use of a Lot Platted prior to the time of this amendment of this resolution, providing the Front Yard, Rear Yard and Side Yard requirements stipulated herein are met.
- 1203.2 Front Yard.** The Building Setback at the front shall be a minimum of fifty feet (50') from the Street Right-of-Way Line, or one hundred feet (100') from the Street center line, whichever is greater.
- 1203.3 Side Yard.** Total Side Yard of no less than twenty feet (20') and the width of the narrowest shall be no less than eight feet (8'). On Corner Lots, the Setback from the side Street Right-of-Way Line shall be no less than twenty feet (20'). If there is driveway access to the Lot from the side Street, the minimum Building Setback shall be 40 feet from the Street Right-of-Way Line.



- 1203.4 Rear Yard.** Minimum of fifteen feet (15'). If a service court, Delivery Area or Alley access is located in the Rear Yard, the minimum shall be increased to forty-five feet (45').
- 1203.5 Height.** No Building shall exceed thirty-five feet (35') in height.
- 1203.6 Parking.** One Parking space shall be provided for each two hundred (200) square feet of Floor Area.
- 1203.7 Buffering.** Adjoining Residential property shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound as set forth in Article 17, Section 1700, Green Area/Buffering.
- 1203.8 Fencing.** See Article 17 – Green Area, Buffering, Lighting, Fences and Parking
- 1203.9 Maximum Building Area.** The total area of all Buildings shall not exceed thirty five percent (35%) of the area of the lot.

#### **1204- TRASH CONTAINERS**

Trash and recycling containers shall be screened in accordance with Article 16, Section 1617 of these Regulations.

#### **1205- FENCING/PRIVACY WALLS**

All Fences shall comply with Article 17, Section 1703, Fences, and with the Visibility/Sight Triangle requirements of Article 16, Section 1607.2 and 1607.03. It shall be the responsibility of the owner of the fence to maintain the fence. The finished surface shall in all cases be to the outside with all posts, braces, etc., to the inside

#### **1206- SITE DRAINAGE**

All new Commercial B construction must retain or detain any additional storm water runoff at their location. Developers are required to submit a detailed site drainage plan, which shows where the water will be discharged and the rate of discharge. The rate cannot exceed that which is currently coming from that location. The plan must include all calculations to document the prior level of runoff and the new level of discharge. This plan must be submitted directly to the Trumbull County Engineer's Office or another engineer at the discretion of the Township Zoning Office for approval. The Trumbull County Engineer or another engineer at the discretion of the Township Zoning Office will verify that the plan conforms to the criteria set forth in Trumbull County's Standard Drainage Manual.

A Zoning Certificate will not be issued until written approval is documented from the Trumbull County Engineer's Office or another engineer at the discretion of the Township Zoning Office for the proposed Commercial construction.

*ARTICLE 13 – INDUSTRIAL A DISTRICT– LIGHT INDUSTRIAL,  
STORAGE AND WAREHOUSE (IND-A)*

**1300- PURPOSE**

The purpose of the Industrial A District is to provide a location for the establishment and development of light industrial, storage, and warehousing Uses. Uses permitted in the Industrial A District are to be establishments for light Industrial, manufacturing, processing, storage and warehousing, with all operations performed within enclosed Structures.

**1301- PERMITTED AND PROHIBITED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

**1301.1** Communication towers, radio towers, cell telephone towers and their Accessory Uses

**1301.2** Testing and research laboratories

**1301.3** All other Uses shall require a Conditional Use Certificate

**1301.4** Any type of Residential Use, whether Single-Family or Multi-Family Dwellings or in association with a business, is prohibited. Any Residential Dwelling already in existence prior to the establishment of the Industrial District shall be deemed a “Nonconforming Use,” subject to the provisions of these Regulations.

**1302- CONDITIONALLY PERMITTED USES**

The Board of Zoning Appeals may approve a Conditional Use for any of the Uses listed within this Section to be located within the Industrial District, subject to the provisions of Article 4 of these Regulations, and upon finding of adequate evidence that each of the following additional standards are met:

**1302.1** Such Use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general area in which it is to be located, and such Use shall not detract from, nor devalue, other properties within its general vicinity.

**1302.2** Any Use which may generate smoke, noise, odor, or other objectionable conditions shall comply with all applicable regulations, measures, requirements and safeguards which may be imposed by the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the Weathersfield Township Board of Trustees, the Weathersfield Township Board of Zoning Appeals, or any other appropriate regulatory agency, in order to eliminate or reduce such dangerous or objectionable conditions to within acceptable limits.

**1302.3** All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. All operations shall be performed within enclosed Structures, and no open storage is permitted. Access Roads shall be maintained in dust-free conditions by surfacing or other treatment as may be specified by the Trumbull County Engineer or Weathersfield Road Superintendent.

**1302.4** Subject to the provisions of this section, the following Uses may be Conditionally Permitted within the Industrial A District:

- 1302.4.1 Light manufacturing conducted entirely within a Building and producing the following types of products: food products, plastics and plastic products, printing and published materials, furniture and wood products, products made from fabrics, and precision instruments
- 1302.4.2 Transient Vendors
- 1302.4.3 Assembly of electrical components, instruments, and devices, including electroplating
- 1302.4.4 Building material sales yards (excluding concrete and asphalt production) where all material is under roof.
- 1302.4.5 Distribution centers
- 1302.4.6 Equipment sales and rental
- 1302.4.7 Lumber yards (provided all equipment including saws, planers, processing machines are within completely enclosed Building and all lumber is under roof)
- 1302.4.8 Truck service centers
- 1302.4.9 Machine shops
- 1302.4.10 Manufactured Home sales
- 1302.4.11 Plumbing, sheet metal, and woodworking shops (provided processing machines are within a completely enclosed Building)
- 1302.4.12 Wholesaling, including the inside storage, handling or sale of merchandise primarily to retailers
- 1302.4.13 Recreational vehicle sales and service
- 1302.4.14 Marine sales and service
- 1302.4.15 Landscape contractors or services with no outdoor storage
- 1302.4.16 Limousine/taxi services
- 1302.4.17 Research and testing laboratories
- 1302.4.18 Commercial broadcasting stations, communication stations, communication towers, radio towers, cell telephone towers and their Accessory Uses
- 1302.4.19 Substantially similar Uses (see Article 400, Section 412)
- 1302.4.20 Any Uses associated with the sale, fueling, servicing, repairing, rental, washing or detailing of automobiles, motorcycles, and trucks, including New and Used Vehicle Sales, Vehicle Repairs, Vehicle Service Stations and Vehicle Wash Facilities.
- 1302.4.21 Sexually Oriented Businesses complying with Article 23 of these Regulations.
- 1302.4.22 Self-Storage Facilities
- 1302.4.23 Any Commercial Use Permitted or Conditionally Permitted under Sections 1101, 1102, 1201, or 1202 of these Regulations.
- 1302.4.24 Crematory facility

### **1303- GENERAL REQUIREMENTS**

- 1303.1 **Off-Street Parking.** A minimum of two hundred (200) square feet of Parking space with adequate access shall be provided for each person to be employed at any time at such

location, together with Parking spaces for all vehicular equipment to be used at said location.

**1303.2 Height.** No height restrictions.

**1303.3 Lot Area and Width.** Minimum width of one hundred feet (100') and a Minimum Lot Area of not less than five acres.

**1303.4 Front Yard.** The Building Setback at the front shall be not less than fifty feet (50') from the Street Right-of-Way Line, or one hundred feet (100') from the Street center line, whichever is greater.

**1303.5 Side Yard.** Total Side Yard of no less than twenty (20) feet and the width of the narrower of the two (2) Side Yards shall be no less than eight feet (8'). On Corner Lots, the Setback from the side Street Right-of-Way Line shall be no less than twenty feet (20'). If there is driveway access to the Lot from the side Street, the minimum Building Setback shall be forty feet (40') feet from the Street Right-of-Way Line.

**1303.6 Rear Yard.** Minimum of fifteen feet (15'). If a service court, Delivery Area or Alley access is located in the Rear Yard, the minimum shall be increased to forty-five feet (45').

**1303.7 Buffering.** Additional setbacks may be required, and adjoining Residential property shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound as set forth in Article 17, Section 1700, Green Area/Buffering.

**1303.8 Fencing.** All Fences shall comply with Article 17, Section 1703, Fences, and with the Visibility/Sight Triangle requirements of Article 16, Section 1607.2 and 1607.03. It shall be the responsibility of the property owner of the fence to maintain the fence. The finished surface shall in all cases be to the outside with all posts, braces, etc., to the inside.

**1303.9** Truck routes to and from the facility shall be subject to approval.

**1303.10** The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the fire chief, as part of the application for a Zoning Certificate.

**1303.11** The applicant shall provide documentation to the fire chief specifying the materials to be handled, and where such materials will be handled and/or stored. The fire chief must be notified of any changes in the type or location of such materials.

**1303.12** Adequate safety measures shall be implemented and in use at all times.

#### **1304- TRASH CONTAINERS**

All trash and recycling containers shall be screened in accordance with Article 16, Section 1617 of these Regulations.

#### **1305- SITE DRAINAGE**

All new Industrial construction must retain or detain any additional storm water runoff at their location. Developers are required to submit a detailed site drainage plan, which shows where the water will discharge and the rate of discharge. The rate cannot exceed that which is currently coming from that location. The plan must include all calculations to document the prior level of runoff and the new level of discharge. This plan must be submitted directly to the Trumbull County Engineer's Office for approval. The Trumbull County Engineer must verify that the plan conforms to the criteria set forth in Trumbull County's Standard Drainage Manual.

*ARTICLE 14 – INDUSTRIAL B DISTRICT – MAJOR INDUSTRIAL, LANDFILLS AND  
INJECTION WELLS (IND-B)*

**1400- PURPOSE**

The purpose of the Industrial B District is to provide appropriate locations for major industrial users, recycling, construction and demolition debris storage management sites, and oil & gas Uses. Activities in this District are often large space users with limited and controlled access to the adjacent major state and federal highways, as well as Arterial County and Township highways.

**1401- PERMITTED AND PROHIBITED USES**

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted or conditionally permitted is deemed to be a Prohibited Use.

**1401.1** Communication towers, radio towers, cell telephone towers and their Accessory Uses

**1401.2** Any type of Residential Use, whether Single-Family or Multi-Family Dwellings or in association with a business, is prohibited. Any Residential Dwelling already in existence prior to the establishment of the Industrial District shall be deemed a “Nonconforming Use,” subject to the provisions of these Regulations.

**1402- CONDITIONALLY PERMITTED USES**

The following Uses are Conditionally Permitted within the Industrial B District:

**1402.1** Heavy manufacturing conducted entirely within a Building

**1402.2** Light manufacturing, landscaping, construction or other approved uses with outside storage

**1402.3** Correctional facilities

**1402.4** Processing/manufacturing of asphalt, concrete, or similar materials

**1402.5** Production, storage and distribution of volatile chemicals

**1402.6** Oil and Gas Operations including Injection Wells (see Article 20, Section 2001.4)

**1402.7** Recycling facilities

**1402.8** Dry-cleaning facilities and operations

**1402.9** Parcel Delivery Facilities, Freight Terminals, Warehousing and Storage

**1402.10** Bulk petroleum stations with tanks above ground, distilling or cracking plants, or plants used in refining of natural gas or oil products including cracking plants

**1402.11** Any Commercial Use Permitted or Conditionally Permitted under Sections 1101, 1102, 1201, or 1202 of these Regulations.

**1402.12** Self-Storage Facilities

**1402.13** Any Uses associated with the sale, fueling, servicing, repairing, rental, washing or detailing of automobiles, motorcycles, and trucks, including New and Used Vehicle Sales, Vehicle Repairs, Vehicle Service Stations and Vehicle Wash Facilities.

**1402.14** Landfills, Construction and Demolition Debris Facilities, Composting and similar Facilities must meet the following additional site management requirements:

**1402.14.1** All material presented for storage at the site may be inspected by a Township representative before being accepted for off-loading. Material will be

accepted only for permanent storage or processing; “tipping” or temporary storage will not be permitted.

- 1402.14.2** Solid Waste Transfer Stations are prohibited unless they are fully enclosed and receive garbage behind closed doors; remove all garbage by enclosed vehicles; and control odors by ventilation and filtration systems
- 1402.14.3** The minimum size of the site shall be fifty (50) contiguous acres
- 1402.14.4** Hazardous materials will not be accepted. Unacceptable material will be set aside and disposed of in a safe and legally determined manner. Landfill material received each day will be covered with earth before the site is closed for the day.
- 1402.14.5** The site must be no closer than one (1) mile to any environmentally “natural area,” to include any undisturbed, established or re-established areas intended for scientific, recreational, or educational purposes and Ohio Department of Natural Resources designated “wetlands.” The site shall not be within the natural terrain boundaries of a one hundred (100) year flood plain. The site must be designed so as to not allow contamination of any aquifer, stream, river, or potable water source.
- 1402.14.6** Certification must be provided from the Ohio Department of Natural Resources that no mine shafts are located beneath the area. All required Federal and State permits shall be obtained and maintained.
- 1402.14.7** A plan must be provided to the Board of Trustees for the continued restoration and maintenance, including daily cleanup, of all Township maintained Roads leading to and from the site.
- 1402.14.8** With the cessation of operations the property owner shall comply with all federal and state Cessation of Regulated Operations Rules. It is intended that the site will be returned to its prior condition.
- 1402.14.9** All filled-in and covered excavations will be replanted or reforested so as to harmoniously integrate with local vegetation.
- 1402.14.10** Fees and bonds will be as established by the Weathersfield Township Trustees as necessary to protect the Township.
- 1402.14.11** Hours of operation shall be between 7:00AM and 8:00 PM Monday through Friday.

#### **1403- GENERAL REQUIREMENTS**

- 1403.1 Off-Street Parking.** A minimum of two hundred (200) square feet of Parking space with adequate access shall be provided for each person to be employed at any time at such location, together with Parking spaces for all vehicular equipment to be used at said location.
- 1403.2 Height.** No height restrictions.
- 1403.3 Lot Area and Width.** Minimum width of one thousand feet (1000’) and a Minimum Lot Area of not less than ten (10) acres.
- 1403.4 Front Yard.** The Building Setback at the front shall be not less than fifty feet (50’) from the Street Right-of-Way Line or one hundred feet (100’) from the Street center line, whichever is greater.

- 1403.5 Side Yard.** Total Side Yard of no less than twenty feet (20') and the width of the narrower of the two (2) Side Yards shall be no less than eight feet (8'). On Corner Lots, the Setback from the side Street Right-of-Way Line shall be no less than twenty feet (20'). If there is driveway access to the Lot from the side Street, the minimum Building Setback shall be 40 feet from the Street Right-of-Way Line.
- 1403.6 Rear Yard.** Minimum of fifteen feet (15'). If a service court, Delivery Area or Alley access is located in the Rear Yard, the minimum rear yard shall be increased to forty-five feet (45').
- 1403.7 Buffering.** Any Building shall be no closer than one thousand (1,000) feet to any Residential, Commercial, school, or religious Building. Adjoining Residential property shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound as set forth in Article 17, Section 1700, Green Area/Buffering.
- 1403.8 Fencing.** All Fences shall comply with Article 17, Section 1703, Fences, and with the Visibility/Sight Triangle requirements of Article 16, Section 1607.2 and 1607.03. It shall be the responsibility of the property owner to maintain the fence. The finished surface shall in all cases be to the outside with all posts, braces, etc., to the inside.
- 1403.9** Truck routes to and from the facility must be approved, and permits for overweight trucks obtained. Tracking or spilling of dirt, gravel, mud, or etc. onto Township roads is not permitted.
- 1403.10** The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the fire chief, as part of the application for a Zoning Certificate.
- 1403.11** The applicant shall provide documentation to the fire chief specifying the materials to be handled, and where such materials will be handled and/or stored. The fire chief must be notified of any changes in the type or location of such materials.
- 1403.12** Adequate safety measures shall be implemented and in use at all times.
- 1403.13** Any Use which may generate smoke, noise, odor, or other objectionable conditions shall comply with all applicable regulations, measures, requirements and safeguards which may be imposed by the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the Weathersfield Township Board of Trustees, the Weathersfield Township Board of Zoning Appeals, or any other appropriate regulatory agency, in order to eliminate or reduce such dangerous or objectionable conditions to within acceptable limits. All Uses must comply with the provisions of these Regulations relating to Noise (See Section 1602) and Light (See Section 1701).
- 1403.14** All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration off-site.

#### **1404- TRASH CONTAINERS**

All trash and recycling containers shall be in accordance with Article 16, Section 1617 of these Regulations.

#### **1405- SITE DRAINAGE**

All new Industrial construction must retain or detain any additional storm water runoff at their location. Developers are required to submit a detailed site drainage plan, which shows where the water will discharge and the rate of discharge. The rate cannot exceed that which is currently coming from that location. The plan must include all calculations to document the prior level of runoff and

the new level of discharge. This plan must be submitted directly to the Trumbull County Engineer's Office or another engineer at the discretion of the Township Zoning Office for approval. The Trumbull County Engineer or another engineer at the discretion of the Township Zoning Office will verify that the plan conforms to the criteria set forth in Trumbull County's Standard Drainage Manual.

A Zoning Certificate will not be issued until written approval is documented from the Trumbull County Engineer's Office or another engineer at the discretion of the Township Zoning Office for the proposed Commercial construction.



## *ARTICLE 15 – EXTERIOR PROPERTY MAINTENANCE*

### **1500- PURPOSE**

The purpose of this Article is to protect the public health, safety and welfare by establishing minimum standards necessary to make all property and Structures within the Township safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of Structures so as to prevent a blighting or deteriorating influence on the neighborhood and the community. This Article is hereby declared to be remedial and essential for the public interest, and it is intended that this Article be construed and interpreted to effectuate the purposes as stated herein. It is the responsibility of the owners, agents, lessees and occupants of property and Structures to keep sanitation, repair, maintenance, appearance, and exterior condition of each premises throughout the Township.

### **1501- EXTERIOR PROPERTY AREAS**

- 1501.1 Sanitation.** All exterior property shall be maintained in a clean, safe and sanitary condition. Each occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The temporary use of self-contained portable toilets for construction, rehabilitation projects, special events, interruption of sewer service for emergencies or planned upgrades/repairs, and at sites or facilities that are not permanently inhabited and do not have installed toilet facilities such as ball fields and parks is allowed, provided the portable toilet is under contract for regular cleaning and maintenance. Portable toilets in a Residential District must be in a location screened from the neighboring properties.
- 1501.2 Grading and drainage.** All property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water. Grading, gutters and downspouts shall divert water away from Buildings and Structures to appropriate locations. Holes, cracks, excavations, breaks, projections, and obstructions in the ground which, in the opinion of the Zoning Inspector, are a hazard shall not be permitted. Stormwater runoff from impervious surfaces may not be concentrated through pipes, culverts or channels onto other lots or public Street, but must be detained on-site or, with the approval of the Trumbull County Engineer, piped to a storm sewer.
- 1501.3 Sidewalks and stairways.** All sidewalks, walkways, stairs and similar areas shall be kept in repair and maintained free from hazardous conditions. Stairways shall have treads of uniform width and risers of uniform height. Stairway handrails and railings shall be installed as required by the Trumbull County Building Code and shall be firmly fastened and maintained in good condition.
- 1501.4 Driveways, and Parking Areas.** Parking of all vehicles is permitted only in the Driveway or Parking Areas. No vehicles may be parked on the grass or unpaved areas. All vehicles must be parked flat on the ground. All Driveways, Parking Areas and similar hardscape areas shall be kept in repair and maintained free from weeds, potholes, or hazardous conditions.
- 1501.4.1** In Residential Districts, Parking Areas and Driveways may be constructed of concrete, or asphalt-pavement. Parking Areas other than Driveways may be located only in the Side Yard, or in the Rear Yard only in conjunction with a Garage that is located in the Rear Yard.
- 1501.4.2** In Commercial Districts, Parking Areas and Driveways may be constructed only of concrete, or asphalt pavement.

- 1501.4.3** In Industrial Districts, Driveways must be constructed of concrete or asphalt, or maintained gravel with a concrete or asphalt apron, and Parking Areas may be constructed of concrete, asphalt, pavement, or maintained gravel or similar permanently hard, dust-free surface, but not grass or dirt. The paved apron must be of sufficient size to prevent mud and dirt from being tracked onto the Street.
- 1501.4.4** In Commercial and Industrial Districts, traffic markings, including but not limited to directional arrows, lane division lines, parking space lines, and stop signs shall be installed and maintained to be clearly visible and easily recognized.
- 1501.5 Grass and Weeds.** The exterior Open Space on each Lot, including any vacant Lot which is located in a platted subdivision, or in an area which has been approved as a subdivision exempt from platting under Ohio Revised Code, Section 711.131, shall be planted with grass, plantings or other suitable ground cover to prevent soil erosion, and shall be maintained to a height of six inches (6") or less.
- 1501.5.1** The exterior Open Space on each property and every vacant Lot which is located in a platted subdivision, or in an area which has been approved as a subdivision exempt from platting under Ohio Revised Code, Section 711.131, shall be maintained free of noxious weeds and of common weeds taller than six inches (6') in height. "Noxious weeds" are those plants declared as such by the Director of the Department of Agriculture and are prohibited as offensive to the health of the residents of the Township and are declared a nuisance.
- 1501.5.2** All trees, bushes, hedges, shrubs, flowers, ornamental plants and other such vegetation shall be trimmed and kept neat in appearance. No vegetation or growth shall block or impede sidewalks or sight lines for vehicular or pedestrian traffic.
- 1501.6 Rodent harborage.** All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- 1501.7 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes upon abutting or adjacent public or private property.
- 1501.8 Fences and Walls:** All fences, retaining walls, or similar Structures shall be anchored firmly in the ground, constructed in a proper and workmanlike manner and maintained in a state of good structural repair. Any fence, retaining wall, or similar Structure not in a state of good structural repair shall be removed, replaced, or repaired as required. Fences shall be treated periodically with paint, stain or chemicals to retard deterioration, unless constructed of materials that have been designed or manufactured to remain untreated. See Article 17, Section 1703 – Fences.
- 1501.9 Motor vehicles.** No motor vehicle which is inoperable or which does not have a current license plate, and no vehicle in a state of major disassembly, disrepair, body work or in the process of being stripped or dismantled, shall be parked, kept or stored on any premises unless the vehicle is inside a Garage or other Building. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- 1501.10 Commercial Vehicles.** No Commercial Vehicle shall be parked on a Commercial Lot, unless owned, leased or used by a business located on the Lot, or the Commercial Vehicle is making a service call or delivery to or from the property. All Commercial Vehicles

parked in a Commercial or Industrial District shall be parked or located in a designated off Street loading/unloading area or paved Parking Area.

**1501.11 Trailers, Tents and temporary Buildings.** No temporary Building, construction Trailer or office Trailer, recreational vehicle or tent shall be used temporarily or permanently as a residence or as a location from which to conduct business. Tents, canopies, or similar Structures may be used for a garage sale, party, or other occasional event, however, they must be properly secured and are limited to a maximum duration of seven days per year. Temporary Buildings, construction Trailers, equipment, and materials used in conjunction with construction work are permitted in any District during the period such construction work is actively in progress, not to exceed six months, but such temporary facilities must be located only in the Driveway, approved Parking Area or Rear Yard, and shall be removed upon completion of the construction work.

**1501.12 Conduct of Business.** Business activity (except for Off-Street loading) shall be conducted within a completely enclosed Building unless otherwise expressly permitted by the Weathersfield Township Zoning Regulations, or pursuant to an expressly approved Conditional Use. Storage of materials, goods, products, and Inoperable Motor Vehicles shall be within a completely enclosed Building unless expressly permitted elsewhere in these Regulations or pursuant to a Conditional Use approval or variance to conduct business or maintain outdoor storage of material goods or products.

**1501.13 Defacement of property.** No person shall damage, mutilate or deface any exterior surface of any Structure or Building on any private or public property by placing thereon any marking, carving or graffiti. Any such defacement shall be removed and the surface restored to an approved state of maintenance and repair.

#### **1501.14 Outside Storage by District and location**

Outside storage of goods, materials, machines, equipment, vehicles or other items is permitted only in compliance with the following standards.

**1501.14.1 Temporary Storage.** Temporary storage of construction materials for use at the Property while construction is being actively conducted on the Property pursuant to a valid building permit shall be permitted for no more than 180 days.

**1501.14.2 Agricultural Storage.** Agricultural/farming equipment and agricultural products (hay, etc.) used for or produced by agriculture or farming on the same parcel of land may be stored in the rear yard.

**1501.14.3 Residential Districts.** Outside storage is prohibited. All storage must be within a Building.

**1501.14.4 Commercial Districts.** Outside storage is permitted only with a Use Permit permitting such storage as accessory to a permitted Use on the Property; i.e. outdoor display of plants at a garden center. All outside storage must be enclosed with a solid wall or fence and meet the required setbacks of the District.

**1501.14.5 Industrial Districts.** Outside storage is permitted only with a Conditional Use Permit specifically allowing such storage. All outside storage shall meet the following requirements:

**1501.14.5. 1** All storage must be associated with the principal use of the Property.

**1501.14.5. 2** The storage of radioactive, toxic or otherwise hazardous materials is not permitted.

- 1501.14.5. 3** Outside storage shall be located in the rear yard only and shall comply with the setbacks and buffering requirements for the district, including the additional buffer and screening requirements of 1700.2.
- 1501.14.5. 4** Outside storage shall occupy an area less than 25% of the lot.
- 1501.14.5. 5** Enclosures shall be utilized to contain all loose material stored such as mulch, topsoil, sand, gravel, etc. Enclosures shall be at a minimum, a three-sided structure constructed with sides a minimum of six feet and a maximum of eight feet in height. In no case shall materials be stored so as to exceed the height of the enclosure. Enclosures shall be constructed from any of the following materials: masonry, fencing, landscaped berm or other opaque material adequate to contain the loose material. A cover shall be placed over any loose material to prevent wind dispersal when such material is not being transported to or from the storage bin/enclosure.
- 1501.14.5. 6** Only commercial vehicles actually used in the operation of the business may be stored outside. There shall be no long-term storage of vehicles, including but not limited to semi-truck trailers.
- 1501.14.5. 7** All materials shall be stored in so as to be accessible to fire-fighting equipment at all times.

## **1502- RUBBISH AND GARBAGE**

- 1502.1 Accumulation of rubbish or garbage.** All exterior property and Structures shall be maintained and free from any accumulation of rubbish, trash, litter, junk or garbage (hereinafter collectively "rubbish").
- 1502.2 Disposal of garbage.** Every owner and occupant of a Structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish or garbage in an approved container. The owner or occupant of every property shall provide, and at all times cause to be utilized, appropriate leak-proof containers with tightfitting covers for the storage of rubbish, garbage and recyclable material until removed from the premises for disposal. Every owner and occupant of a Structure must contract for regular trash removal or purchase sufficient bags from the authorized township trash hauler for regular disposal of all trash. Garbage containers, recycling containers and/or dumpsters shall be effectively screened from view in accordance with Article 16, Section 1617 of these Regulations.
- 1502.3 Litter.** No person shall permit litter to be placed or remain on any Lot. "Litter" includes any garbage, waste, food scraps or remains, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of vehicles, wagons, furniture, glass, oil or petroleum products or any other item of an unsightly or unsanitary nature.
- 1502.4 Furniture and Appliances.** No furniture, household furnishings or appliances intended for indoor use may be stored or used outside. Such items may be placed out for haul-away for no more than twenty-four (24) hours prior to the next scheduled refuse hauling date.
- 1502.5 Fallen Trees and Tree Limbs.** Property owner must remove any fallen tree or fallen branches within two (2) weeks of the event, except in the case of emergency, where the Zoning Inspector extends this period of time in writing.

## **1503- EXTERIOR STRUCTURES**

- 1503.1 General.** The exterior of every Structure including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, Signs, windows, doors, awnings, storefronts and marquees, and all surfaces thereof shall be maintained weather-tight, in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare and to avoid blighting effects on neighboring properties.
- 1503.2 Foundations.** All Buildings shall be installed on a permanent foundation in accordance with the requirements of the applicable Ohio Building Code. Any Building over two hundred square feet, including sheds, Garages, and Accessory Buildings, must be built on a permanent foundation, and cannot be placed on dirt or gravel. All foundations shall be maintained so as to be structurally sound. The foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. Where any part of a Structure is sagging, settling, or structurally insecure, the foundation shall be repaired or replaced with a foundation conforming to the Ohio Residential Building Code. The foundation exterior of every Structure within the Township shall be free of damaged, loose, or missing blocks, bricks, tile, or other deteriorated foundation material. All loose, missing, or deteriorated mortar shall be repaired or replaced.
- 1503.3 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- 1503.4 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained, weatherproofed and properly surface coated where required to prevent deterioration.
- 1503.5 Roofs.** The roof and flashing shall be sound and weather tight. Any moss or other growth on a roof shall be removed. All missing shingles or other roofing materials shall be replaced with materials of similar kind, nature, design, and color as the original. Any roof, or distinguishable portion thereof, determined by the Zoning Inspector to have more than twenty-five percent (25%) of its total area comprised of missing or deteriorated shingles or other roofing material, shall be replaced in its entirety.
- 1503.6 Drainage.** Every Structure within the Township shall be equipped with gutters and downspouts connected to a public storm sewer if available, or as otherwise approved to direct water away from the foundation. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the Structure. Roof drains, gutters and downspouts shall be maintained, in good repair and free from obstructions and exterior rust or corrosion. Such rust and corrosion as may develop in the course of ordinary use of the same shall be removed, painted, or otherwise surface-coated.
- 1503.7 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all Appurtenances attached thereto, shall be maintained, structurally sound, in good repair, and with proper anchorage and capable of supporting the imposed loads.
- 1503.8 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar Appurtenances shall be maintained, structurally safe and sound, in good repair, and free of loose, missing or deteriorated mortar and bricks, or other chimney Building materials. Any such loose, missing or deteriorated mortar or bricks shall be refitted, replaced or repaired.
- 1503.9 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 1503.10 Windows and skylights.** Every window and skylight shall be fitted with unbroken glass and shall be weather-tight. Every window, other than a fixed window, shall be easily

openable and capable of being held in position by window hardware. Every window and window frame shall be kept in sound condition, in good repair and be weather-tight. All glazing materials shall be maintained free from cracks and holes. Every Basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

- 1503.11 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to Dwelling Units shall tightly secure the door. Every door and frame shall be kept in sound condition, in good repair and be weather-tight.
- 1503.12 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- 1503.13 Overhang extensions.** All overhang extensions, including but not limited to canopies, marquees, Signs, metal awnings, fire escapes, standpipes and exhaust ducts, shall be maintained in good repair and shall not show evidence of ripping, tearing, or deterioration and shall be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- 1503.14 Repairs.** Any Structure or portion of any Structure that is deteriorated, decaying, disintegrating, ramshackle, tumble-down, buckled, rotted, disintegrating, missing or in poor repair, or whose exterior surface has weathered with dirt and grime, must be repaired or razed.
- 1503.14.1** All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, soffits, posts, sills, trim and their missing members must be replaced and put in good condition.
- 1503.14.2** All replacement portions must match and conform to the original design or be replaced completely.
- 1503.14.3** All replaced or repaired surfaces must be sealed and painted, or the surface covered with other approved protective coating or treated to prevent rot and decay. Such painting or covering shall be a finish compatible in color, texture, and design with the existing Structure. If the entire exterior surface of a Structure is to be painted or surface-coated, such surface shall be compatible in color, texture, and design with similar Structures in the immediate neighborhood.
- 1503.15 Painting and protective treatment.** All exterior surfaces, including but not limited to walls, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior surfaces shall be protected from the elements and decay by siding, stucco, painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Any exterior wall segment, facing or other distinguishable surface area which is determined by the Zoning Inspector to have more than twenty-five percent (25%) of its total area bare, peeling, flaking, pitted, corroded, covered with moss, mold or algae or otherwise deteriorated shall be repaired, repainted or resurfaced. No more than three different exterior paint colors (base, trim, and accent) may be used on a Structure.

All siding and masonry joints as well as those between the Building envelope and the perimeter of windows, doors, and skylights shall be maintained, weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to

inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

#### **1504- VACANT STRUCTURES**

**1504.1 Purpose.** It is the purpose of this section to require all responsible parties to care for vacant Buildings to remedy and prevent any public safety hazard or public nuisance, prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby properties.

**1504.2 Vacant Structure Defined.** A Structure is considered to be vacant if it is either:

**1504.2 .1** Empty, or

**1504.2 .2** Not occupied on a regular basis by an occupant, or

**1504.2 .3** Not used by any person on a regular basis for the usual and customary purposes for which the Building is designed and lawfully permitted

**1504.4 Parking prohibited at Vacant Structures.** No vehicles may be parked or stored at vacant structures.

**1504.3 Maintenance of Vacant Structures.** In addition to complying with the other requirements of this Zoning Resolution, vacant property shall be maintained free of all outward appearances of vacancy including:

**1504.3.1** No Signs or placards larger than 8½ x 11 on the exterior of the Building or in the windows indicating that the property is vacant or foreclosed

**1504.3.2** The premises shall remain secure and locked. Broken windows and doors which are visible from the Right-of-Way may be covered with plywood or similar boarding material on an emergency basis, but for no more than ten (10) business days while arrangements are being made to replace broken glass or broken parts of the existing windows and doors. Broken windows and doors on the rear or sides of the Building may be boarded until the windows and doors are repaired for re-occupancy provided that the boarded openings are not visible from the public Right-of-Way. Windows and doors which are visible from the Right-of-Way may not be boarded and shall be maintained in good repair.

**1504.3.3** Handbills, circulars and advertisements shall be removed from porches and yards in a timely manner

**1504.3.4** Standing water on the premises, including but not limited to standing water in Swimming Pools

**1504.3.5** The owner of any vacant Building shall provide the Zoning Inspector with a plan to keep the Building secure and protected from vandalism, including the installation of a key holder or by providing a key to the Police Department to provide access to the Building by fire and police. The owner shall also provide a plan for fire alarm or fire protection, and shall notify the Township of the name and telephone number of a person who can be called when emergencies occur.

#### **1505- DISPLAY OF VEHICLES FOR SALE**

All vehicles displayed and offered for sale on any Agricultural, Residential, Commercial or Industrial District property (except a new or used car dealership), shall be regulated as follows:

**1505.1** Number allowed at any one time: one (1);

**1505.2** Must be licensed in the current year as indicated by the license decal on the plate;

- 1505.3** The vehicle must be owned by the property owner, who must be able to provide proof of ownership through the current title to the vehicle;
- 1505.4** The vehicle may be displayed for sale in the Driveway or a designated Parking Area;
- 1505.5** Vehicle must be drivable and able to move under its own power on the Roadway; and
- 1505.6** “FOR SALE” Sign must be prominently displayed in the vehicle window at all times and visible from the Roadway.

#### **1506- BOATS, CAMPERS and MOTOR RECREATIONAL VEHICLES**

- 1506.1** No Trailers, Mobile Homes, Manufactured Homes, or vehicles designed for Mobile Home living shall be occupied for Dwelling, office or business purposes, except in a Mobile Home Park District. A single Trailer, travel Trailer, recreational vehicle, truck camper, boat, bus or motor coach may be parked or stored a Parking Area in the Rear or Side Yard, provided that it is currently licensed, is at least five (5) feet from the Side Lot Line and does not extend beyond the front of the house or garage. The parked location must not obstruct the sight lines of any public Street or Driveway. Boats, Campers, RVs, etc., may not be parked in the Driveway except as permitted in 1506.2.
- 1506.2** A travel Trailer, Mobile Home, or similar vehicle may be temporarily parked in a Driveway for the purpose of loading and unloading for no more than 48 hours.
- 1506.3** A travel Trailer, Mobile Home, or similar vehicle may be used as temporary housing for visitors and guests for a period not to exceed two weeks.
- 1506.4** A travel Trailer, Mobile Home, or other portable housing may be used as a temporary Dwelling Unit during reconstruction from fire damage or natural disaster damage to a home, provided that habitation shall be limited to no more than three (3) months’ duration. The Zoning Inspector shall issue an Occupancy Certificate to the property owner for all such emergency housing. In no case shall a tent or pop-up Trailer be permitted to be used as emergency housing.

#### **1507- VEHICLES PROHIBITED WITHIN RESIDENTIAL DISTRICTS**

- 1507.1** There shall not be more than six (6) motor vehicles parked on a Lot in a Residential District for any period longer than seven (7) days unless enclosed in a Garage. This number shall be increased if there are more than six (6) licensed drivers residing at the Dwelling.
- 1507.2** In Residential Districts, motor vehicles must be parked on an improved surface. Improved surfaces are those constructed of concrete, asphalt or permeable pavement, without excess weeds or grass.
- 1507.3** One (1) small Commercial truck such as a pickup, panel or light truck used on a regular basis by the resident for the resident’s occupation is allowed per Dwelling Unit in a Residential District. Trucks having more than four tires or exceeding 16 feet in length and 8 feet in height (measured from the ground), designed for the transportation of cargo or people and including tractor-trucks, Trailers, semitrailers, busses, box trucks, tool trucks, refrigerated trucks and food trucks, shall not be parked in a Residential Zoning District except if parked in an enclosed Garage. Commercial Vehicles making temporary house calls or deliveries shall not be prohibited under the terms of this section.
- 1507.4** Backhoes, Road graders, bulldozers, Trailers used to haul Commercial Vehicles or goods, well rigs, tractors and similar vehicles and equipment designed to be used for construction or Commercial purposes are prohibited from being stored outside in any Residential



Zoning District. Construction equipment temporarily used for construction upon a site is permitted.

#### **1508- INOPERABLE, UNLICENSED OR JUNK VEHICLES**

**1508.1** Unlicensed, abandoned, inoperable, unusable, wrecked or dismantled motor vehicles, automobiles, trucks, Trailers, boats, farm equipment, aircraft or other vehicles, may be kept only within a completely enclosed Building. Vehicles that have one (1) or more flat or missing tires, are not licensed, are missing mechanical or electrical parts necessary for their operation or are otherwise not capable of being started and driven are Inoperable Vehicles.

**1508.2** The Weathersfield Township Board of Trustees finds that junk motor vehicles on public and private property are injurious to the general health, safety and welfare of Weathersfield Township residents.

**1508.3** Section 505.871 of the Ohio Revised Code authorizes a Board of Township Trustees to provide for the removal of any vehicle in the township which the Board determines to be a junk vehicle, as that term is defined by Section 505.173 of the Ohio Revised Code.

**1508.4** The Board of Township Trustees wishes to avail itself of the procedures outlined in R.C. 505.871, and has adopted a policy to utilize the authority vested in it pursuant to R.C. 505.871 to remove from the Township junk motor vehicles as that term is defined by R.C. 505.173.

#### **1508.5 Definitions.**

**1508.5.1 Apparently Inoperable.** A vehicle that is apparently not functioning or operative or cannot be lawfully operated upon public roads or highways. Evidence of inoperability includes, but is not limited to, any buildup of debris that obstructs use, a flat or missing tire or tires, a nonfunctional motor or transmission, missing bumpers, missing license plates, or expired vehicle license.

**1508.5.2 Junk Motor Vehicle.** A vehicle that meets all of the following criteria:

**1508.5.2(a)** Three model years or older;

**1508.5.2(b)** Apparently inoperable; and

**1508.5.2(c)** Extensively damaged, including, but not limited to, missing wheels, tires, engine or transmission.

#### **1508.6 Removal of Junk Motor Vehicles Located on Public Property.**

**1508.6.1** If a junk motor vehicle is located on public property, the Board of Township Trustees may provide, by resolution, for the immediate removal of the vehicle.

**1508.6.2** Nothing in this Resolution shall be construed to limit the Township's ability to remove any motor vehicle located on any street or other property open to the public for purposes of vehicular travel, or upon or within the Right-of-Way of any street, pursuant to any other statute or resolution.

#### **1508.7 Removal of Junk Motor Vehicles Located on Private Property.**

**1508.7.1** No person shall park, store or leave, or permit the parking, storing or leaving of any junk motor vehicle, whether attended or not, for a period of more than ten (10) days upon any private property within Weathersfield Township, unless the vehicle is completely concealed from public view by within a building, or unless it is on the property in connection with a business enterprise operated in a lawful place for

storage, repair or rehabilitation of vehicles as expressly permitted under the provisions of the Township Zoning Resolution.

**1508.7.2** If a junk motor vehicle is located on private property, and is not completely concealed from public view, the Board of Township Trustees may provide, by resolution, for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land. The notice provided shall, at a minimum, contain the following information:

**1508.7.2(a)** A general description of the vehicle to be removed:

**1508.7.2(b)** A statement that the Board of Township Trustees has determined that the vehicle is a junk motor vehicle;

**1508.7.2(c)** A statement that if the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle; and

**1508.7.2(d)** A statement that any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

**1508.7.3** The Board shall serve the notice by sending it by certified mail, return receipt requested, to the owner of the land, if the owner resides in the Township or if the owner resides outside the Township and the owner's address is known or ascertainable through an exercise of reasonable diligence. The Board also shall send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed within fourteen (14) days of its mailing, or if an owner's address is unknown and cannot reasonably be ascertained by an exercise of reasonable diligence, the Board shall give notice on the township's website and social media account, or in a newspaper of general circulation in Trumbull County, or as otherwise permitted by law. A notice sent by certified mail shall be deemed to be served on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served on the date of the publication in the newspaper or on the township's website.

**1508.8 Methods for Removing Junk Motor Vehicles.** The Board of Township Trustees may remove or may contract for the removal and disposal of a junk motor vehicle. Junk motor vehicles which have been ordered removed may be disposed of pursuant to a contract with a motor vehicle or scrap metal processing facility.

**1508.9 Collection of Expenses Incurred in Removing Junk Motor Vehicles.** The Board of Township Trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle. The Board shall direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Township general fund.

**1508.10 Enforcement.** The Weathersfield Township Zoning Inspector shall enforce this Resolution. The Weathersfield Township Zoning Inspector is hereby authorized to enter upon private property for the purpose of enforcing the provisions of this resolution.

## *ARTICLE 16 – SUPPLEMENTARY DISTRICT REGULATIONS*

### **1600- PURPOSE**

The purpose of supplementary District regulations is to set specific conditions for various Uses, classification of Uses or areas where problems are frequently encountered.

### **1601- FRONTAGE ON STREET**

Every Dwelling, Business or Industrial Use shall have the required Frontage upon a dedicated public Street.

### **1602- NOISE**

Noise shall be so controlled that the noise level at the property line shall not be above a decibel level of seventy-five (75) dBA. Lawn mowing, other landscaping equipment, construction activities, or the loading or unloading of commercial waste containers cannot occur prior to 7am or after 9 pm.

**1602.1 Residential Noise levels.** Individuals may not create noise that is disruptive to any reasonable person prior to 7am or after 9pm. Normal residential daily noise levels should be maintained during daytime hours. Maximum allowable hourly average sound level in a residential area shall not exceed seventy-five (75) dBA at any time.

### **1603- ORIENTATION OF DWELLINGS**

All Dwellings must be oriented in such a way that the front (main entry) of the Dwelling faces the Street and is compatible in placement and style with the sub-division or neighborhood in which it is located. Dwellings on Corner Lots may face either Street, or the corner, and shall meet the minimum Front Yard Setback requirements from both Streets.

### **1604- COMPLIANCE WITH BUILDING CODES**

All Structures must comply with the rules and regulations of the Trumbull County Building Code or State of Ohio Building Code, as applicable. All Buildings and Structures must be constructed only with permanent materials such as steel, brick, wood, concrete or similar materials. Tarps, tents, plastic or similar materials are prohibited. Shipping or cargo containers, trailers, trucks or truck compartments, railroad cars, campers, and similar units are not permitted to be used as a Building, Garage or Accessory Building or incorporated into the construction of a Building, Garage or Accessory Building.

### **1605- CONVERSION OF A DWELLING TO MULTIPLE UNITS**

A residence may not be converted to accommodate an increased number of Dwelling Units unless:

- 1605.1** The number of Dwelling Units in the residence is a Permitted Use in the Zoning District
- 1605.2** The yard dimensions meet the yard requirements as required by the Zoning Regulations for new Multi-Family Structures in that District
- 1605.3** The Lot Area per Family equals that Lot Area requirement for new Structures in that District
- 1605.4** The Floor Area per Dwelling Unit is not reduced to less than that which is required for new construction in that District

## **1606- SWIMMING POOLS**

**1606.1 Private Swimming Pools.** Private Swimming Pools, exclusive of portable above-ground pools with an excavation of two feet (2') or less, shall be subject to the following regulations:

**1606.1.1** Swimming Pools shall not be located in Front Yards. No portion of any Swimming Pool may be placed closer than ten feet (10') to any side or rear Property Line; or closer to a side Street than the Side Yard requirement of the Dwelling.

**1606.1.2** All in-ground pools shall be entirely enclosed with a safety fence no less than four feet (4') and no more than six feet (6') in height. Such fence may enclose only the Swimming Pool area or the entire yard area, as long as it serves adequately to protect children from entry into the Swimming Pool.

**1606.1.3** An enclosure is not required around an above-ground pool located on a Single-Family Residential property provided:

**1606.1.3(a)** The pool has non-climbable vertical sides not less than forty-eight inches (48") in height above grade adjacent to the Swimming Pool, or the Swimming Pool comes equipped with a self-contained fence which mounts atop the vertical wall of the Swimming Pool, the combined height of which is not less than forty-eight inches (48") above the grade. The self-contained fence must surround the Swimming Pool; and

**1606.1.3(b)** Any access steps or ladders are either removable without the use of tools or are designed to be secured in an inaccessible position when the Swimming Pool is not in use with a lock or latch located not less than forty-two inches (42") above the grade adjacent to the Swimming Pool.

**1606.1.4** All gates in a Swimming Pool enclosure shall be equipped to accommodate a locking device. The gate latch shall be located not less than forty-two inches (42") above grade or shall otherwise be made inaccessible to small children from the outside of the enclosure. All gates shall be kept locked at times when the Swimming Pool is not in use. All gates shall be self-closing and self-latching.

**1606.1.5** A Swimming Pool cover is not considered to be a suitable alternative to the enclosure requirements.

**1606.1.6 Water Supply and Discharge.** Water supply may be secured from a private well or other means of supply, provided the water is tested and approved by the health authorities. Pools shall be equipped with facilities for complete emptying of the Swimming Pool. Discharge of any water from a Swimming Pool shall be onto the property where the Swimming Pool is located or into the nearest storm sewer. The discharge shall not flow on to, through or otherwise affect adjacent properties. Water drained from the pool shall not be discharged to any sewer or open ditches during periods of rain or storm.

**1606.1.7** Swimming Pools that are not functional or being maintained for use must be drained.

**1606.2 Community or Club Swimming Pools.** Community or Club Swimming Pools shall comply with the following regulations:

**1606.2.1** The Swimming Pool and the area used by bathers shall be no closer than fifty feet (50') to any Property Line;

- 1606.2.2** The Swimming Pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children. Said fence or wall shall be no less than five feet (5') in height and shall be locked at all times when the Swimming Pool is not in use.

**1607- OBSTRUCTION OF VISION AND VISIBILITY AT INTERSECTIONS**

- 1607.1 Obstruction of Vision.** There shall be a clear zone along any major Thoroughfare and/or Intersection for clear visibility of motorists. This clear zone shall be free from all Structures, fences, shrubbery, or objects which project into the line of visibility.
- 1607.2 Visibility/Sight Triangles at Intersection of Two Streets.** In any District no fence, Structure, planting or object (other than a mailbox) shall be erected or maintained on any corner Lot within thirty feet (30') of the corner at a height between two feet (2') and ten feet (10') above the grade. The "corner" shall be the point of Intersection of the edge of the Roadway. See Figure 1 below.

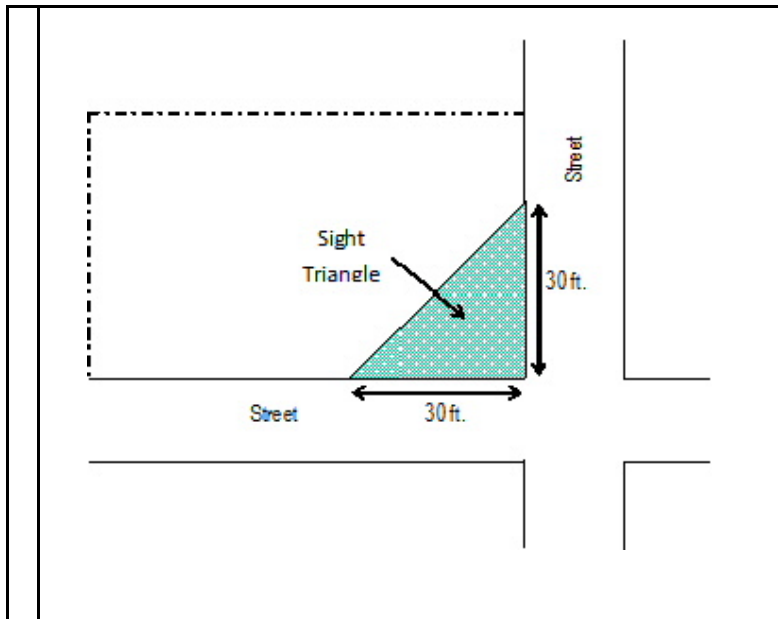


Figure 1- Visibility at Intersection of Streets

**1607.3 Visibility/Sight Triangles at Driveways.** In any District no fence, Structure, planting or object (other than a mailbox) shall be erected or maintained within the sight triangle ten feet (10') by ten feet on either side of a Driveway at a height between two feet (2') and ten feet (10') above the grade. If a Driveway is closer than ten feet (10') to the Lot Line, the sight triangle continues over the Lot Line. The "corner" shall be the point of Intersection of the Driveway and the Street. See Figure 2 below.

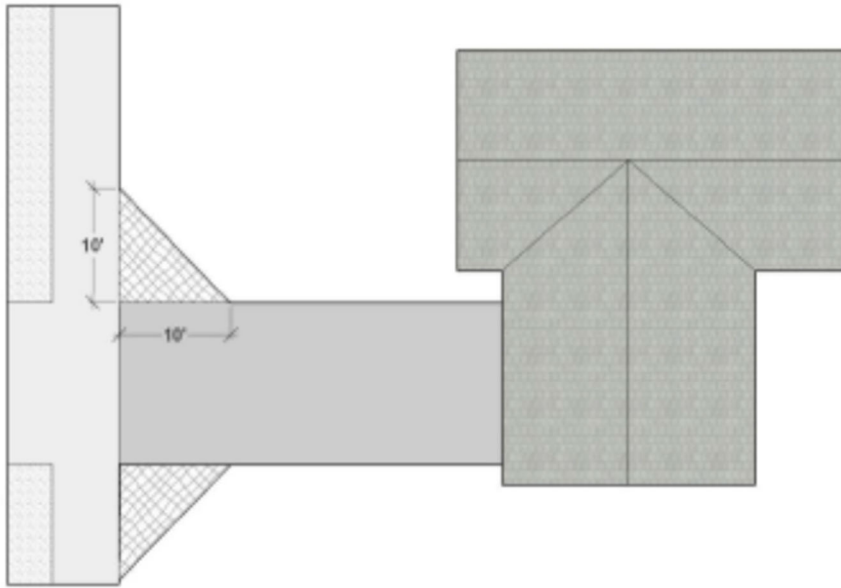


Figure 2

**1608- <RESERVED>**

**1609- HOUSES OF WORSHIP**

Houses of worship shall be permitted in all Districts. These Buildings shall comply with the individual District's requirements as to the placement on the property, the Building size and height, all Driveway access and Off-Street Parking. All Parking Areas shall be screened from adjacent property in any Residential District.

**1610- DISPLAY OF PROPERTY ADDRESS**

Every Dwelling and business shall have posted in a conspicuous place the identifying house or Street number so that such numbers are clearly visible from the Road Right-of-Way. Street or house numbers shall be displayed using numerals not less than four inches (4") in height so public safety vehicles can easily locate the Dwelling in case of an emergency.

**1611- ACCESSORY BUILDINGS AND STRUCTURES**

**1611.1 Antennas and freestanding satellite dishes**

**1611.1.1** One freestanding antenna or satellite dish antenna is permitted per Residential Lot.

**1611.1.2** Maximum height of a satellite dish shall not exceed twelve feet (12') measured from existing grade. No antenna shall exceed twenty-five feet (25') in height, except where regulated by the Federal Communications Commission or other state/federal regulations.

- 1611.2** No accessory Building or Structure, including but not limited to Terraces, uncovered porches, patios, decks and similar features, may be closer than five feet (5') to any adjoining Property Line.
- 1611.3** In Residential Districts, one Accessory Building or Structure, other than a Garage, such as a storage Building or Shed, green house, potting shed, gazebo or similar Structure, is permitted per Lot, provided the Accessory Building or Structure:
- 1611.3.1** Shall not exceed two hundred (200) square feet in area calculated by outside dimensions;
  - 1611.3.2** Shall not exceed a maximum height of twelve feet (12') measured from the grade level.
- 1611.4** In addition to the size limitations of 1611.3, the combined area of all Garages (attached and detached) and Accessory Buildings and Structures, including but not limited to Terraces, Driveways, Parking Areas, uncovered porches, patios, decks and other paving or hardscape, on a Lot in a Residential District shall not exceed fifty percent (50%) of the area of the Rear Yard, or the square footage of the first floor living Area of the Dwelling on the Lot, whichever is greater.
- 1611.5** No Accessory Building or Structure shall contain living quarters.
- 1611.6** Accessory Buildings or Structures may be located in the Rear Yard or Side Yard only.
- 1611.7** An Accessory Building or Structure may be constructed in a Residential District only on a Lot with a Residence.
- 1611.8** The combined area of all Accessory Buildings in a Commercial or Industrial District shall not exceed twenty-five percent (25%) of the square footage of the principal Structure. Expanding the principal Structure is preferred to constructing multiple Accessory Buildings.
- 1611.9** An Accessory Building or Structure may be constructed only of permanent materials such as steel, brick, wood, concrete or similar materials. Tarps, tents, plastic or similar materials are prohibited. Shipping or cargo containers, trailers, truck compartments, railroad cars, campers, recreational vehicles and similar units are not permitted to be used as a Building or Accessory Building or for storage in any Zoning District except as expressly permitted in Section 1620.

## **1612- GARAGES**

- 1612.1** One attached and one detached Garage per Lot is permitted. No Garage may exceed the following:
- 1612.1.1** On a lot less than one-half acre in size: Seven Hundred Sixty-Eight (768) square feet in area (24' X 32');
  - 1612.1.2** On a lot greater than one-half acre but less than one acre: One thousand (1,000) square feet (25' X 40').
  - 1612.1.3** On a lot greater than one acre: Two thousand (2,000) square feet (50' X 40').
- 1612.2** In addition to the size limitations of 1612.1, the combined area of all Garages (attached and detached) and other Accessory Buildings and Structures on a Lot in a Residential District shall not exceed fifty percent (50%) of the area of the Rear Yard, or the square footage of first floor living Area of the Dwelling on the Lot, whichever is greater.
- 1612.3** No Garage shall contain living quarters.

- 1612.4** Detached Garages shall be located in the Rear Yard or Side Yard only, and no part of a detached Garage may be located closer to the street than the front of the Dwelling located on the Lot.
- 1612.5** No Garage shall exceed a maximum height of eighteen feet (18') measured from the grade level.
- 1612.6** Notwithstanding any other provision of this Resolution, a Garage may be no closer than five feet (5') to the Property Line
- 1612.7** A Garage may be constructed only on a Lot with a Residence.
- 1612.8** A Garage may be constructed only of permanent materials such as steel, brick, wood, concrete or similar materials. Tarps, tents, plastic or similar materials are prohibited. A Garage must be constructed of materials that match or are compatible with the house. All concrete portions of the Garage must be painted to match the house.

#### **1613- GARAGE SALES/YARD SALES**

Private individuals and non-profit organizations may conduct Garage Sales and yard sales within any Agricultural or Residential District for a cumulative total of no more than six (6) days per calendar year. All Signs must be removed within twenty-four (24) hours of conclusion on last sale date.

#### **1614- TREE HOUSES, PLAY HOUSES AND PLAYGROUND EQUIPMENT**

A tree house or play house is an Accessory Structure and subject to the following additional regulations:

- 1614.1** A tree house or play house is not permitted in a Front Yard. A tree house or play house or playground equipment may be located in any part of any side or Rear Yard provided it is set back ten feet from the Property Line.
- 1614.2** The height of the tree house is measured from the highest point of the house to the lowest point of the finished ground adjacent to the tree house.
- 1614.3** Zoning Certificates are not required for tree houses, play houses or other playground equipment, but no tree house or play house may exceed 100 square feet in area.

#### **1615- COMPOST PILES**

Residents can create or maintain a compost pile or piles for yard waste, provided that such pile or piles are not stored in quantities or locations prohibited by any provision of the Exterior Maintenance Code or by any law of the State. All compost piles:

- 1615.1** May only be located in the Rear Yard and must be at least five feet (5') from the Side and Rear Lot Lines and shall not be visible from the public Right-of-Way
- 1615.2** Shall not constitute a public nuisance or a nuisance to abutting and adjoining properties by providing a breeding place or attraction for, or by becoming infested with, vermin, rodents or insects, or emit a smell or odor which is noticeable beyond the property limits
- 1615.3** Shall not create any health or fire hazard
- 1615.4** Must be enclosed by a barrier on all sides which shall not exceed four feet (4') in height
- 1615.5** Shall not be in excess of one percent (1%) of the square footage of the Lot or eighty-five (85) square feet, whichever is less
- 1615.6** Shall not impede any natural watercourse or drainage from any property



- 1615.7** May contain only yard waste or vegetable waste which will quickly decompose. Meat products, dairy products, food oils, human, dog or cat wastes, trash and junk are prohibited.
- 1615.8** This section does not apply to the Agricultural – Suburban Estate Residential District (A-SER)

#### **1616- STORAGE OF FIREWOOD**

All firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities shall be stored only in Side or Rear Yards and under the following conditions:

- 1616.1** The firewood shall be stacked no higher than six feet (6’);
- 1616.2** It shall be cut firewood not more than twenty-four inches (24”) in length;
- 1616.3** It shall be stored at least five feet (5’) from the Property Line;
- 1616.4** It shall be stored in such a manner as not to constitute a fire hazard or be infested with rodents, vermin or insects; and
- 1616.5** It must be neatly stacked.
- 1616.6** Fallen trees or tree limbs to be used as firewood must comply with the above or must be removed as provided in 1502.5.

#### **1617- TRASH CONTAINERS**

- 1617.1** The owner of all Commercial and Industrial properties and all Multi-Family Dwelling Units shall provide trash containers/dumpsters and provide for waste to be collected once a week by a waste disposal company. Each trash container/dumpster shall be located a minimum of ten feet (10’) from all Property Lines and shall be enclosed within a solid wood and/or masonry enclosure consisting of three (3) walls no less than six (6) feet in height. Trash shall not be permitted to accumulate outside of the trash container, dumpster, or enclosure.
- 1617.2** In all Districts, garbage containers, recycling containers and/or dumpsters shall be effectively screened from view. Roll-off dumpsters or similar containers may be temporarily located in the driveway or paved parking area for no more than sixty (60) days.
- 1617.3** Garbage and recycling containers may not be placed out at the street more than one (1) day before scheduled garbage pick-up, and empty containers must be removed from the street no later than one (1) day after garbage pick-up.

#### **1618- HANDLING OF TOXIC MATERIAL AND/OR HOSPITAL WASTE MATERIAL**

Any business associated with disposal, storage, holding, hauling or incinerating of any toxic, Hospital, hazardous, or volatile material as defined by SERA Title III or any other federal, County or Township regulations and/or any type of Hospital waste or material shall be strictly prohibited from locating such a business/service or using any property within the Township for such a Use.

#### **1619- SPECIAL EVENT PERMITS**

Any public or private event with an anticipated attendance of more than one hundred (100) people must make an application to the Zoning Inspector for a Special Event Permit at least thirty (30) days prior to the event.

Along with the application, the applicant must submit a plan that addresses the health and safety of the people at the event and the residents of the Township, including traffic control, noise, parking, sanitation (including portable toilets and wash stations, trash removal and clean-up), utility services,

temporary structures, and lighting. The plan will be reviewed by the Zoning Inspector, the Weathersfield Township Fire Department, and the Weathersfield Township Police Department before the permit is issued. The fee for such application shall be as set forth in the current fee schedule.

## **1620- PORTABLE STORAGE UNITS**

Portable Storage Units may be permitted as a Temporary or Accessory Use in any zoning district only as follows. A Zoning Certificate is required for all Portable Storage Units.

- 1620.1 Construction Site.** Portable Storage Units may be used to store equipment, supplies and materials in conjunction with active construction work taking place on the Property in any District during the period such construction work is actively in progress, not to exceed six months. If construction work has halted for a period greater than 4 consecutive weeks all Portable Storage Units shall be removed.
- 1620.2 Moving.** Portable Storage Units may be used temporarily, for a period not to exceed fourteen (14) days, when the occupant of the Property on which the portable storage unit is located is relocating.
- 1620.3 Accessory Use in an Industrial District.** Up to four Portable Storage Units may be permitted as an Accessory Use in an industrial district for the storage of personal property and materials used by the business operating with a valid Occupancy Certificate on the same Property. Such Portable Storage Units must be located to the rear of the principle building on the property and shall be completely screened from view from adjacent streets or properties by the use of a fence or wall. The Portable Storage Units must meet all Buffering requirements for a Building.
- 1620.4** In addition to the preceding requirements, Portable Storage Units must comply with the following:
  - 1620.4.1** Residential Districts: Portable Storage Units in any Residential District shall not exceed 170 square feet in size (total Floor Area) and 8 feet in height. Any Portable Storage Unit in a Residential or Commercial District must be painted and without rust.
  - 1620.4.2** Portable Storage Units on Commercial and Industrial Districts may be no more than 360 square feet in total floor area and 9 ½ feet in height.
  - 1620.4.3** Only one (1) Portable Storage Unit may be placed on any Property in a Residential District for Moving or Construction purposes. Up to three (3) Portable Storage Units may be placed on a Commercial or Industrial Property for Moving or Construction purposes.
  - 1620.4.4.** No Portable Storage Unit shall be located in a public Right-Of-Way or in a way which obstructs visibility of a road or drive.
  - 1620.4.5** Portable Storage Units shall be located no closer to an adjacent property than 20 feet, or the required minimum side or Rear Yard Setback for Buildings in the district in which the unit is located, whichever is greater.
  - 1620.4.6** Portable Storage Units may be located only on a paved Driveway or Parking Area.
  - 1620.4.7** Portable Storage Units shall only be used for the storage of personal property and for no other purpose whatsoever, including without limitation, Portable Storage Units may not be used as a residence, as a location to conduct business, as a swimming pool or accessory building, for housing animals, or for agricultural storage on any lot less than five (5) acres in size.

## **1621- SOLAR ENERGY SYSTEMS**

Pursuant to O.R.C. §519.213, Weathersfield Township has determined to permit property owners in the township to install solar energy systems on their property to provide electric power for the principal and accessory uses conducted on the Lot and prohibit the use of solar energy systems for the commercial generation of power for sale or use off the property. A Zoning Certificate is required for all Solar Energy Systems. Solar Energy Systems are permitted as an Accessory Use only in compliance with the following requirements:

### **1621.1 Definitions.**

- 1621.1.1 “Ground Mounted Solar Energy Systems”:** means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 1621.1.2 “Large solar Facility”:** means a solar facility of fifty (50) or more megawatts which is 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.
- 1621.1.3 “Integrated Solar Energy System”:** means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 1621.1.4 “Rooftop Solar Energy System”:** means a solar energy system that is mounted to a structure or building’s roof.
- 1621.1.5 “Small Solar Facility”:** means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 1621.1.6 “Solar Energy”:** means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 1621.1.7 “Solar Energy System”:** means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

**1621.2 Integrated and Rooftop Solar Energy Systems Permitted.** The construction, erection, or siting of an Integrated Solar Energy System or Rooftop Solar Energy System shall be a permitted use in any zoning district in the township if the Solar Energy System is sized and used to provide electric power only for the principal and accessory uses on that Lot, and not for the generation of power for sale off the Lot except for sale to the power company resulting from occasional incidental excess power generation, *and* the Solar Energy System complies with all of the requirements set forth in this Section.

**1621.3 Integrated or Rooftop Solar Energy Systems Maximum Height:** The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System shall not vertically exceed seven (7) feet above the highest point of the roof of the building to which it is attached.

**1621.4 Ground Mounted Solar Energy Systems:** Ground Mounted Solar Energy Systems may be installed only in Industrial Zoning Districts. A Ground Mounted Solar Energy System must be sized and used to provide electric power only for the principal and accessory uses on that Lot, and not for the generation of power for sale off the Lot except for sale to the

power company resulting from occasional incidental excess power generation, *and* the Solar Energy System complies with all of the requirements set forth in this Section.

- 1621.4.1 Height:** The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed 25 feet.
- 1621.4.2 Coverage:** A Ground Mounted Solar Energy System shall be included as part of any lot/tract/ground coverage calculation. The maximum ground area permitted to be occupied by all buildings, structures, Ground Mounted Solar Energy Systems, parking areas, sidewalks, or other impervious surfaces shall not exceed in the aggregate 50% of the total area of the Lot.
- 1621.4.3 Location:** Ground Mounted Solar Energy Systems are permitted only in the rear yard area of any Lot on which there is a building. In the case of a Corner Lot, no Ground Mounted Solar Energy System shall be located between a principal building or structure and a public right-of-way.
- 1621.4.4 Glare:** Any Solar Energy System shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- 1621.4.5 Setbacks:** Any Ground Mounted Solar Energy System must be setback at least 50 feet from the Road Right of Way and 100 feet from the lot line of any Lot zoned Residential.

#### **1621.5 Requirements Applicable to all Solar Energy Systems**

- 1621.5.1 Maintenance:** All Solar Energy Systems must be maintained in good working order at all times. The owner of the Lot shall, within three months of permanently ceasing use of the Solar Energy System, dismantle and remove the Solar Energy System and, in the case of Ground Mounted Solar Energy Systems, return the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- 1621.5.2 Building Permits and Inspections:** The installation of any Solar Energy System shall not commence until the property owner has obtained all applicable required Building Permits from the State of Ohio and Trumbull County, and all wiring and electrical apparatuses associated with the operation of the Solar Energy System shall meet all applicable local, state and federal codes.
- 1621.5.3 Advertising:** Solar Energy Systems and the Lot where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
- 1621.5.4 Compliance with Law:** Solar Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations.

**1621.3 Prohibited Uses.** The construction, erection, or siting of any Solar Energy System, including any Large Solar Facility, Small Solar Facility or any Integrated, Rooftop, or Ground Mounted Solar Energy System which does not meet the requirements to be a permitted use is prohibited in all zoning districts in the township.

## **1622 - WIND TURBINES**

Pursuant to O.R.C. §519.213, Weathersfield Township has determined to permit property owners in Industrial Districts in the township to install wind turbines on their property to provide electric power for

the principal and accessory uses on the Lot and prohibit the use of wind turbines for the commercial generation of power for sale or use off the Lot.

**1622.1 Definitions.**

**1622.1.1 “Clear fall zone”:** means an area surrounding the wind turbine unit, in which the wind turbine and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined with the property lines of the primary parcel where the turbine is located. The purpose of the clear fall zone is such that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

**1622.1.2 Large Wind farm:** means a set of wind turbines and associated facilities that are required to submit an application with the Ohio Power Siting Board (OPSB) and at the Public Utilities Commission of Ohio (PUCO) and are required to meet all OPSB regulations.

**1622.1.3 “Small wind farm”:** means wind turbines and associated facilities that are not subject to the jurisdiction of the OPSB under sections 4906.20 and 4906.201 of the Revised Code.

**1620.1.4 “Wind Energy System”:** means Wind Turbine(s) and associated facilities used to produce electricity from wind energy.

**1622.1.5 “Wind Turbine”** means a device that converts the flow of air into mechanical motion that can be utilized to produce electricity.

**1622.1.6 “Wind Turbine Tower”:** means the support structure to which the wind turbine and rotor are attached.

**1622.2 Permitted Wind Energy Systems.** The construction, erection, or siting of a Wind Energy System shall be a permitted use in areas zoned Industrial only. The following requirements must be complied with: (1) the Wind Energy System is sized and used to provide electric power only for the principal and accessory uses on that Lot, and not for the generation of power for sale off the Lot except for sale to the power company resulting from occasional incidental excess power generation, *and* (2) the Wind Energy System complies with all of the requirements set forth in this Section.

**1622.4 Wind Energy Systems Requirements.**

**1622.4.1 Height.** The maximum height of any wind turbine tower shall be determined by the setbacks and size of the clear fall zone; however, no wind turbine shall exceed fifty (50) feet in height, regardless of the size of the Lot. The height is the total height of the wind turbine system, including the tower (or the building on which it is located, if it is a roof top mounted turbine) and the maximum height of the turbine’s blades. Maximum height shall be calculated by measuring the length from the top of the blade at maximum vertical rotation to the surface of the ground.

**1622.4.2 Location:** All facilities for the wind energy system including the wind turbine tower are permitted only in the rear yard area of the property on which a building is located. In the case of corner lots, no facilities may be located between a principal building or structure and a public right-of-way.

**1622.4.3 Setbacks:** All facilities for the wind turbine system shall comply with accessory structure setbacks and side and rear yard clearances provided within the zoning district in which the wind turbine tower is erected. In addition, the wind turbine tower must be erected and placed in such a manner that the Clear Fall Zone shall

be contained solely on the property where the turbine is located and would not strike any structures on the property or any neighboring property. Any wind turbine tower must be setback twice the height of the tower from any property line, or 100 feet from the property line, whichever is greater.

**1622.4.4 Maintenance:** All Wind Energy Systems must be maintained in good working order at all times. A wind turbine is considered to be abandoned when it ceases producing electricity for 30 consecutive days, unless the inactivity is due to repairmen or replacement parts not being available. The owner of the property shall, within twelve (12) months following abandonment, dismantle and remove the wind turbine tower and all apparatuses, supports, and/or other hardware and equipment.

**1622.4.5 Building Permits and Inspections:** The installation of any Wind Energy System shall not commence until the property owner has obtained all applicable required Building Permits from the State of Ohio and Trumbull County, and all wiring and electrical apparatuses associated with the operation of the wind turbine shall meet all applicable local, state and federal codes.

**1622.4.6 Advertising:** Wind Energy Systems and the property where located shall not be used for the display of advertising. The turbine, including prop blades, turbine, cowling, tower, etc. shall remain in the color provided by the manufacturer, preferably a non-reflective neutral such as white or gray, with logos, advertising, or identification marks other than those of the manufacturer and model type prohibited.

**1622.4.7 Lighting:** The only permitted lighting on a wind turbine tower is the lighting required by the Federal Aviation Association (FAA) and the Federal Communications Commission (FCC).

**1622.4.8 Compliance with Law:** All Wind Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations.

**1622.5 Prohibited Uses.** The construction, erection, or siting of any Wind Energy System, including any Large Wind Farm, Small Wind Farm or any Wind Turbine on any Lot not zoned Industrial, or which does not meet the above requirements to be a permitted use, is prohibited.

## *ARTICLE 17 – GREEN AREA, BUFFERING, LIGHTING, FENCES AND PARKING*

### **1700 - GREEN AREA/BUFFERING**

#### **1700.1 Green Area Requirements for Commercial and Industrial Properties.**

**1700.1.1 Minimum Green Area.** Minimum Green Area per Lot is fifteen percent (15%) of the total land area. Fifty percent (50%) of the Green Area shall be located within the Front Yard area (from the front of the Structure to the front Property Line). Any required Side Yard or Rear Yard “Buffer” shall be included in the calculation of the fifteen percent (15%) Green Area.

**1700.1.2 Minimum Front Yard Green Area requirements.** The first fifteen feet (15') from the point at which the front Property Line meets the edge of the street pavement shall be reserved as Green Area (except for access or Driveways), and shall be considered as part of the fifteen percent (15%) minimum Green Area requirement. Any pedestrian walkway that exists prior to construction must be replaced. Any new pedestrian walkway located within the first fifteen feet (15') may be included in calculating Green Area at the discretion of the Zoning Inspector or the Board of Zoning Appeals.

**1700.1.3 Permissible Front Yard Uses.** The Front Yard may only be used for Green Area and approved Signs, Driveways, and Parking. No storage, Structures, Accessory or other Uses related to the Commercial or Industrial Use shall be permitted within the Front Yard.

#### **1700.2 Buffer and Screening Requirements for Commercial and Industrial Properties.**

**1700.2.1** Wherever a Commercial Use abuts any Residential District, a twenty foot (20') wide additional Setback shall be established along the Side Lot Line(s) that abut land zoned for Residential purposes, and a forty foot (40') wide additional Setback shall be established along the Rear Yard line abutting any Residential District, to limit views and sounds from the Commercial Use. No Structures, Driveways, Parking, Accessory or other Uses related to the Commercial Use shall be permitted within this required additional Setback area, except that the required Screening may be constructed in this Setback area.

Wherever an Industrial Use abuts any Residential District, an eighty foot (80') wide additional Setback shall be established along the Side Lot Line(s) and Rear Yard Line(s) that abut land zoned for Residential purposes, to limit disturbance to the residents from the Industrial Use. No Structures, Driveways, Parking, Accessory or other Uses related to the Commercial or Industrial Use shall be permitted within this required additional Setback area except that the required Screening Buffer may be constructed in this Setback area.

**1700.2.2** Wherever a Commercial or Industrial Use abuts any Residential District, a six foot (6') tall Screening Buffer shall be constructed of an appropriate mounding, fencing, or vegetative landscape screening material, and shall be constructed along the entire length of any abutting Side or Rear Yard. Screen plantings shall have a minimum initial height of five feet (5') and should be of such size, species, and spacing as can reasonably be expected to produce an opaque six foot (6') screen within three (3) years. The plants shall be placed so that mature plants can be maintained within the Commercial or Industrial Lot Property Line.

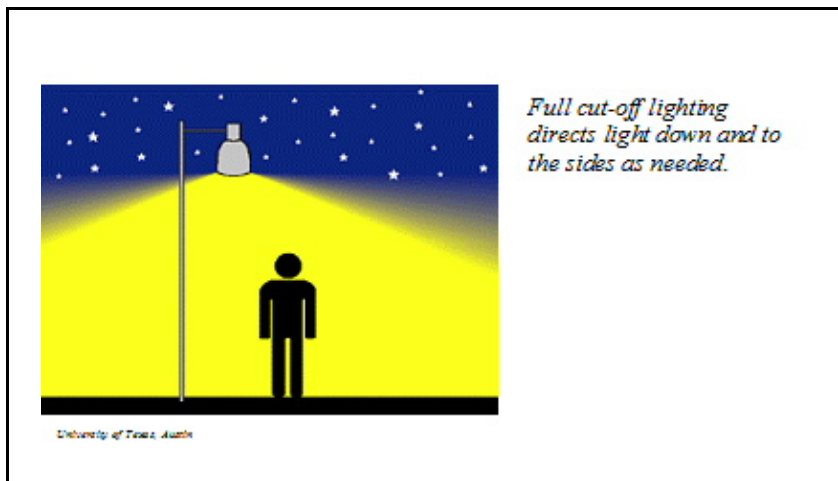
- 1700.2.2(a)** If a fence is utilized, it must be of a material or design sufficient to obscure a view of the abutting Commercial or Industrial Use, and the side facing the Residential District must consist of decorative material compatible with the surrounding Residential Dwellings so as to provide a good cosmetic appearance. Chain link fences are not permitted as a landscaping Buffer. Any fence must conform to all provisions in these Regulations for fences, except that a fence may be six feet (6') high, but no fence shall be located any closer than thirty feet (30') from the Right-of-Way of the Street along the front Property Line. The fence must be located along the inside edge of the Buffer and not on the Property Line.
- 1700.2.2(b)** Ground mounted mechanical equipment or trash dumpsters shall be screened from view and integrated into the landscaping concept for the site.

### **1701- LIGHTING REQUIREMENTS**

The purpose of this Section is to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the Township and the lawful nighttime Use and enjoyment of property located within the Township. Appropriate site lighting, including lights for Signs and Buildings, shall be arranged to provide safety, utility and security and control light trespass and glare on adjacent properties and public Roadways.

- 1701.1** All light fixtures shall be direct Cut-Off Fixtures, designed to prevent light spill or trespass beyond the boundaries of the property where the fixture is located.
- 1701.2** Lighting shall be controlled to prevent direct lighting into the sky or on neighboring properties. Examples of methods to accomplish this are the use of fully shielded Cut-Off Fixtures, directing light fixtures downward rather than upward, or shielding the light to direct light emission from the fixture.
- 1701.3** Only fully shielded cut-off style light fixtures shall be permitted on Commercial or Industrial properties.
- 1701.4** Flashing, rotating and moving lights are prohibited.
- 1701.5** An outdoor light fixture shall not exceed a maximum height of twenty-four feet (24') measured from the finish grade.
- 1701.6** Any outdoor light fixtures used to illuminate a Sign or for decorative effects, such as Building, landscape, or recreational field illumination, shall be equipped with an automatic timing device and shielded and focused to reduce light shining into the sky or upon neighboring properties.





## **1702- LANDSCAPE REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS**

- 1702.1** The following are the minimum requirements per one hundred foot (100') of Frontage, applicable to the area between the Street side facade of the Building(s) and the Right-of-Way.
- 1702.2** Three (3) ornamental trees 1½ caliper or larger
- 1702.3** Ten (10) shrubs eighteen to twenty inches (18"-20") high
- 1702.4** Landscaping shall be used to screen Parking Areas from adjacent Residential Use properties.
- 1702.5** All fences or walls shall be constructed of wood, iron, decorative aluminum, stone, brick, vinyl, or decorative block. Retaining walls shall be stone, decorative wall systems, brick, or wood. Any portion of the Lot not covered by a Structure, Parking, aisles, or sidewalks shall be provided with an all-season, well-maintained vegetative ground cover.
- 1702.6** All plantings and beds shall be maintained in healthy condition and be kept reasonably weed free. Dead or diseased plant material shall be replaced.

## **1703- FENCES**

It is the intent of this section to regulate the location, height and overall general characteristics of fencing, walls, hedges, or any combination thereof within the Front, Side or Rear Yards of any property within the Township; to maintain an orderly appearance and reduce any negative impact upon other properties where such fencing, walls, or hedges are visible; and to prohibit fence, wall or hedge placement at heights or locations which interfere with clear visibility of vehicular and pedestrian traffic on adjacent Streets, Alleys, or sidewalks.

### **1703.1 Definitions and References.** Unless the context otherwise indicates:

- 1703.1.1** "Fence" means a barrier open to light and air which is constructed of non-living materials in order to enclose, screen, or secure property, or, a means of designating a property boundary.
- 1703.1.2** "Wall" means a solid barrier which is constructed of wood, masonry or other non-living materials in order to enclose, screen, or secure property, or, a means of designating a property boundary.

- 1703.1.3** “Hedge” means an evergreen or deciduous landscape barrier consisting of a continuous, dense planting of shrubs which have several small stems from the ground or small branches near the ground.
- 1703.2 General Provisions.** All Fences, walls, and hedges shall be subject to the following limitations and requirements:
- 1703.2.1 Construction.** Fences and walls must be of uniform design and constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. All fences and walls shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences in all Districts shall be composed of wooden boards, vinyl or plastic boards, chain link, or other similar acceptable fencing material.
- 1703.2.2 Appearance.** The unfinished side, supporting rails, and posts of any fence shall face the interior of the property of the owner, and, the finished side of the fence shall face adjacent property. A fence shall be treated periodically with paint, stain or chemicals to retard deterioration, unless constructed of materials that have been designed or manufactured to remain untreated.
- 1703.2.3 Location.** No fence may be erected closer than two feet (2’) to the Property Line.
- 1703.2.4 Prohibited Fences, Walls and Hedges.** Fences charged with an electrical current, or barbed wire fences (except when used for fencing livestock in an Agricultural District or as part of an approved security fence) are prohibited. No fences in any Zoning District may be composed of sheet-metal, plywood, windows, paneling, doors, or other materials not designed for fencing. Bollards and chains may not be used as fencing, but may be used only in limited areas, for example to protect a gas storage tank or an entrance.
- 1703.2.5 Temporary Fences.** Temporary fences such as construction site fences and snow fences shall be allowed subject to the following conditions:
- 1703.2.5(a)** Fences around construction sites shall be allowed for the duration of the construction work, and snow fences shall be allowed during the winter for a period not to exceed five (5) months in any calendar year.
- 1703.2.5(b)** A Zoning Certificate (Fence) shall be obtained from the Zoning Inspector every time temporary fences are constructed. There shall be no fee charged for temporary snow fences.
- 1703.2.5(c)** Temporary fences shall be constructed and maintained as required by the provisions of this section.
- 1703.3 Zoning Certificate Required.** No person shall erect any fence or wall without first obtaining a Zoning Certificate (Fence) and paying the fee required.
- 1703.4 Fences, Walls and Hedges in Residential Districts.**
- 1703.4.1 Front Yards.** Fences, walls and hedges shall not exceed three feet (3’) in height above finished grade.
- 1703.4.2 Side and Rear Yards.** Fences, walls and hedges shall not exceed six feet (6’) in height above finished grade.
- 1703.4.3 Visibility.** No fence can be located within a public Right-of-Way, nor can it be located in an area that will obstruct the line of sight for any motorist or pedestrian. The installation of a fence, wall or combination thereof shall not create a visibility or safety concern for vehicular or pedestrian movement. All fences, walls and

hedges on Corner Lots shall be in compliance with the Visibility Sight Triangle of Article 16, Section 1607.2.

- 1703.4.4 Tennis Courts.** Tennis courts shall be enclosed by a metal chain link or mesh fence at least nine feet (9') in height but no more than twelve feet (12') in height above finished grade so as to prevent tennis balls from leaving the court.

**1703.5 Fences, Walls and Hedges in Non-Residential Districts.**

- 1703.5.1 Visibility.** No fence, wall or hedge can be located within a public Right-of-Way, or in an area that will obstruct the line of sight for any motorist or pedestrian. The installation of a fence, wall, hedge or combination thereof shall not create a visibility or safety concern for vehicular or pedestrian movement. All fences, walls and hedges on Corner Lots shall be in compliance with the Visibility Sight Triangle of Article 16, Section 1607.2 and Section 1607.03.

- 1703.5.2 Commercial Districts.** Fences, walls and hedges shall not exceed three feet (3') in height above finished grade in the Front Yard and can be no nearer to the front Street Right-of-Way line than the front Setback requirement for a Building. Fences, walls, and hedges shall not exceed six feet (6') in height in the Side or Rear Yard and shall be erected no less than two feet (2') from the side and rear Property Lines.

- 1703.5.3 Industrial District.** Fencing of Industrial Districts shall be permitted provided that such fence does not exceed six feet (6') in height in the Front Yard and ten feet (10') in height in the Rear and Side Yards. If the adjacent property is not zoned Industrial, the required Buffer must be located outside of the Fence line. In an Industrial District, the placement of not more than three (3) strands of barbed wire shall be permitted on top of a fence for security purposes, provided such strands are not less than sixty inches (60") from the ground.

**1704-OFF-STREET PARKING AND DRIVEWAYS**

- 1704.1 Purpose.** The purpose of this section is to ensure adequate Off-Street Parking appropriate for the activities permitted under the selected Use zones.

**1704.2 Parking in Multi-Family, Commercial and Industrial Districts.**

- 1704.2.1** Paving is prohibited within the Road Right-of-Way, except for driveways for ingress and egress. In addition to the right-of way, a minimum of ten feet (10'), plus two feet (2') for every one-hundred feet (100') or part thereof of Lot depth, shall be maintained as a grass and/or landscaped area along Road Frontage in Commercial and Industrial areas. Paving is also prohibited within five feet (5') of all side and rear Property Lines to provide a grass or landscape Buffer to abutting properties.

- 1704.2.2** Parking Areas containing more than ten (10) Parking spaces shall require a minimum of ten percent (10%) of the Parking Area to be landscaped green space. The green space shall contain at least one (1) tree, of a two-inch (2") caliper or larger, and be surrounded by no less than fifty (50) square feet of unpaved pervious landscape area, for each ten (10) Parking spaces.

- 1704.2.3** All Parking Areas containing more than ten (10) Parking spaces shall have curbing along all paved areas.

- 1704.2.4** A Parking space shall be at least one hundred eighty (180) square feet and ten feet (10') by eighteen feet (18') in area, exclusive of access thereto. All

Parking Lots shall be striped and maintained, showing individual Parking spaces.

- 1704.2.5** Adequate vehicular ingress and egress to the Parking Area shall be provided by clearly defined Driveways. All Parking Lots shall provide interior access circulation for all Parking spaces. The Use of public Streets for maneuvering into or out of Off-Street Parking spaces is prohibited. A maximum of one (1) Driveway access shall be permitted per 200 feet (200') of Street Frontage.
- 1704.2.6** Fire lanes shall be designated and posted. Vehicle circulation shall meet turning radius requirements of the Fire Department.
- 1704.2.7** Within each Parking Lot, signed and marked barrier-free spaces shall be provided at a convenient location, in accordance with the barrier free Parking space requirements of the Ohio Department of Transportation.
- 1704.2.8** All Parking Areas shall be maintained in good condition, free from potholes, vegetation, weeds, obstructions, and hazardous conditions.
- 1704.2.9** Appropriate drainage shall be provided to direct surface water from Parking Areas.
- 1704.2.10** No Parking is permitted in any area except on a concrete or asphalt Driveway, Parking Lot or Parking Area. All Parking Areas in Multi-Family and Commercial Districts must be paved with asphalt or concrete. In Industrial Districts, Parking Areas may be asphalt, concrete, or maintained gravel surface.
- 1704.2.11** Off-Street Parking Areas are intended only for temporary vehicle Parking by employees and customers of the business which has a current Use/Occupancy Certificate for the Lot. Parking Lots and loading areas shall not be used for the long-term storage of cars, trucks or Trailers, except where the approved Use of the property is for long-term outdoor vehicle storage.
- 1704.2.12** No vehicles may be parked on an empty Lot, or on a lot that that does not have a current Use/Occupancy certificate permitting such parking.
- 1704.2.13 Uses Requiring Loading Area.** On the same premises with every Building, Structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer service or other Uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the Lot adequate space for standing, loading and unloading services in order to avoid undue interference with public Use of the Streets, Alleys and Parking spaces.
- 1704.2.14 Loading Area Requirements.** Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be ten feet (10') by 50 feet (50'), with 15 foot (15') height clearance, according to the following schedule:
- 1704.2.14(a) Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a public Right-of-Way and shall be screened to not be visible from a public Street or an adjacent Residential District.
- 1704.2.14(b) Minimum Off-Street Loading Requirements**  
Building Net GFA Minimum Truck Loading Spaces  
0-1,400 sq. ft. : None

1,401-20,000 sq. ft.	:1 space
20,001-100,000 sq. ft.	:1 space plus 1 space for each 40,000 sq. ft. in excess of 20,000 sq. ft.
100,001-500,000 sq. ft.	:5 spaces plus one 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	:15 spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 square feet

**1704.3 Parking in Residential Districts.** A Driveway and Off-Street Parking Area must be provided for each Residential unit constructed on or after January 1, 2015. The Driveway and Parking Area must be paved with asphalt or concrete. No Parking is permitted except on the Driveway, Parking lot or Parking Area. All Parking Areas in a Residential District other than the Driveway must be in the Side or Rear Yard.

**1704.3.1** Driveways and Off-Street Parking Areas are intended only for temporary vehicle Parking by occupants and visitors. Driveways and Off-Street Parking Areas shall not be used for the storage of cars, trucks, Trailers or other vehicles.

**1704.4 Off-Street Parking Standards.**

<u>Single-Family and Two-Family Residences</u>	<u>Multi-Family Residences</u>	<u>Commercial</u>	<u>Industrial</u>
Four (4) spaces per Dwelling Unit, inclusive of Garage spaces	Three (3) spaces per Dwelling Unit, inclusive of Garage spaces	One (1) space per every two hundred (200) square feet of Floor Area	One 200 square foot space per person employed at the location at any one time, plus Parking spaces for a vehicular equipment located at the facility

**1704.5 Driveways.**

**1704.5.1** All Driveways shall be no closer than five feet (5') to the adjoining Property Line at any point.

**1704.5.2** All Driveways must be entered from approved Frontage on an approved Township or other public Street.

**1704.5.3** In case of a Corner Lot either one of the Streets can be used as an Entrance for the Driveway as long as the Frontage requirements are met.

**1704.5.4** Driveways, Access Drives or Access Roads in Residential and Commercial Districts must be asphalt or concrete. In Industrial Districts, Driveways, Access Drives or Access Roads must be constructed of concrete or asphalt or maintained gravel with a concrete or asphalt apron. Driveways, Access Drives or Access Roads cannot consist of dirt or grass.

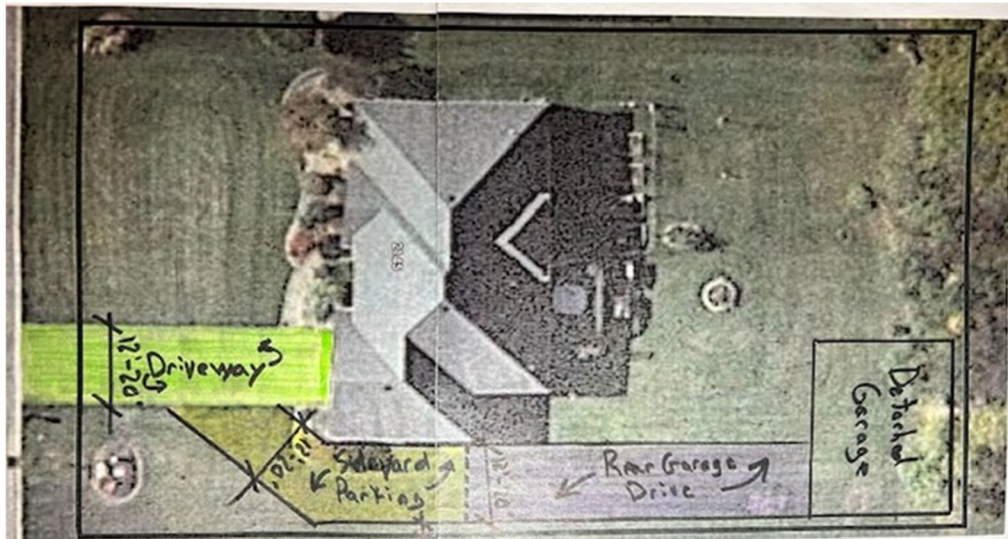
**1704.5.5** Single-Family and two-family dwellings are limited to one curb cut for a driveway. However, lots with 200 feet or more of frontage may have two curb cuts to create a circular drive. Multi-Family, Commercial, and Industrial sites with 200 feet or more of frontage may have two curb cuts for two ingress and egress drives.

**1704.5.6** Ingress and egress driveways shall comply with the following width limits:

- 1.) Single and Two-Family Dwellings  
Maximum Width at the street - 20 feet  
Minimum Width - 12 feet
- 2.) All Other Uses  
Maximum Width at the street - 30 feet  
Minimum Width - 14 feet

The driveway width shall not be increased at any point along the length of the Driveway, except that the width may be bumped out as the Driveway approaches the entrance to the Garage by an additional twelve feet (12') for each garage door opening, to allow room to access each garage bay. A single car parking pad attached to the driveway may be created on the side of the garage. If the garage entry doors are located on the side of the house, rather than facing the street, the driveway width can be increased to allow access to the side-entry garage and create a turn-around area.

If a driveway continues around the house to a detached garage behind the house, the driveway shall be no wider than twenty feet (20') and shall proceed along the most direct route to the garage. (See drawing)



- 1704.5.7** Pavement or curb radius (at highway edge) shall be in accordance with ODOT standards. Driveways, travel lanes, and parking areas shall be designed and related to Public Streets to provide for both pedestrian and vehicular safety both in the right-of-way and on site. Driveways and on-site circulation shall provide for adequate access by emergency vehicles.
- 1704.5.8** All access to the street (curb cuts) must be approved by the appropriate governing authority. Curb cuts onto State Routes 46 and 169 and US Route 422 must be approved by the Ohio Department of Transportation. Curb cuts on County Roads must be approved by Trumbull County Engineers office.
- 1704.5.9** All Driveways shall be maintained in good condition, free from potholes, vegetation, weeds, obstructions, and hazardous conditions.

*ARTICLE 18 –DEVELOPMENT STANDARDS FOR SPECIFIC USES*

**1800-KENNELS; DOGS AND CATS**

**1800.1 Kennels, Animal Boarding, Animal Daycare, Animal Rescue for Dogs, Animal Shelter for Dogs, High Volume Breeder**

- 1800.1.1** Kennels must be registered under the provisions of Ohio Revised Code §955.04. Animal Rescue for Dogs, Animal Shelter for Dogs, or High Volume Breeder must obtain the required licenses and comply with the rules of the Director of Agriculture under R.C. 956.01 et seq.
- 1800.1.2** A Kennel shall be located a minimum of twenty-five (25) feet from any Property Line.
- 1800.1.3** Outdoor pens and exercise runs shall be kept in a clean and sanitary condition, shall be screened from public view, and shall be enclosed by a six (6) foot fence.
- 1800.1.4** Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable off the Lot.
- 1800.1.5** Applicant shall take adequate measures to reduce the noise level.
- 1800.1.6** No dead animals shall be buried or cremated on the premises.
- 1800.1.7** The minimum lot size is five acres.
- 1800.1.8** Animal waste must be collected each day and stored in airtight containers and disposed of off the premises weekly. Outdoor runs must be washed daily and kept in good repair, maintained in a clean and sanitary condition, and free of vermin and waste.
- 1800.1.9** Barking may not be allowed to disturb the peaceful enjoyment of the neighbors.
- 1800.1.10** Kennel, Animal Boarding, Animal Daycare, Animal Rescue for Dogs, Animal Shelter for Dogs, and High Volume Breeders are not permitted in Residential Districts and are Conditional Uses in the Agricultural and Commercial B Districts.

**1800.2 Dogs and Cats**

- 1800.2.1** A property owner may have a combination of up to four (4) dogs and/or cats on property less than five (5) Acres in size.
- 1800.2.2** A property owner can have a combination of up to nine (9) dogs and/or cats on parcels more than five (5) Acres but less than twenty (20) Acres. On parcels more than twenty (20) Acres in size, the property owner can have a combination of up to nineteen (19) dogs and/or cats on his or her property. Any number over these limits will require rezoning for a Kennel.
- 1800.2.3** A grace period shall be granted to permit the distribution of such young animals for a period of six (6) months after they have been weaned, subject to any limitations imposed by Ohio Revised Code §519.21(A) or 519.21(B).

- 1800.2.4** Any structure for containing a dog or cat (Dog run, doghouse, catio, etc.) may be located only in the rear yard and must be setback a minimum of 20 feet from the side and rear lot line. Any such structure must be structurally sound and sanitary.
- 1800.2.5** Animals are not permitted to create a nuisance or disturb neighboring residents due to noise, odor, or threats to public health.

### **1801-HOME OCCUPATIONS**

A business or commercial activity, conducted within a Dwelling by a resident thereof, as an Accessory Use, shall be permitted in Residential Districts if it satisfies all of the following conditions and requirements:

- 1801.1** The Use shall be incidental and secondary to the primary Use of the Dwelling as a private residence.
- 1801.2** Residents are permitted to carry on customary Home Occupations such as, but not limited to: teaching of musical instruments, sales of Tupperware, AVON or other similar products, and accountant, legal, or similar services. If the Home Occupation involves teaching or instruction it is restricted to private instruction; group classes are not permitted.
- 1801.3** There must be no more than one (1) customer, client or patient at the Dwelling at a time, no pickup or delivery functions in excess of those normally associated with residential Use, and no commercial vehicles parked overnight at the Dwelling.
- 1801.4** The Use shall be conducted solely by a person residing on the premises, with no employees other than Family members residing in the Dwelling.
- 1801.5** The Use shall be conducted only within the Dwelling and may not occupy more than thirty percent (30%) of the habitable floor area.
- 1801.6** The Use shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, excessive vehicular traffic or other causes.
- 1801.7** The business activity may not involve any explosives, fireworks, or any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception.
- 1801.8** Off-street Parking shall be provided for customer vehicles.
- 1801.9** The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential Use in the neighborhood.

### **1802-OUTDOOR OR ROADSIDE DISPLAY OF SALES OF MERCHANDISE**

Outdoor Vendor retail sales and services, such as the sale of plants, flowers, arts and crafts, toys, farm produce, playground equipment, portable sheds, or similar items, shall be permitted in any Commercial A, Commercial B, or any Industrial Zoned District, subject to the following regulations:

- 1802.1** A Zoning Certificate shall be obtained prior to the Use of a Lot by an Outdoor Vendor. The application for a Zoning Certificate shall include a site plan designating the exact placement of the proposed Commercial Use on the property in question, written permission to Use such property by the owner thereof, a current Trumbull County Vendor's License, and a Trumbull County Health Department Permit if food is being sold.
- 1802.2** No structures or displays are permitted in any required building Setback. An Outdoor Vendor shall not place goods for sale, tables, stands, chairs, etc., within ten (10) feet of any Side or Rear Property Line or within the building Setback from any street. No more than



fifty percent (50%) of the lot may be covered with structures or items for sale. Produce stands or similar structures used by Outdoor Vendors shall be considered “Structures” as defined by these Zoning Resolutions and shall conform to all relevant Setback regulations for the Zoning District in which such Structure is located.

- 1802.3** Only One Identity Sign shall be permitted per Outdoor Vendor. No Sign advertising such Outdoor Vendor’s Commercial Use shall be placed within ten (10) feet of a Street Right-of-Way or within thirty (30’) feet of a Side Property Line. No such Sign shall exceed four by eight feet (4’ x 8’). The sign may be no taller than 6 feet and must be at least 10 feet from the road right-of-way.
- 1802.4** An Outdoor Vendor must provide space for at least three (3) Off-Street Parking spaces, outside of the public Right-of-Way. An Outdoor Vendor may sell from Lot currently used by an existing Commercial Use, but no more than 20 percent (20%) of the parking area for the existing commercial use may be used for the temporary outdoor sales and display.
- 1802.5** Hours of operation for any Outdoor Vendor shall not be more than from sunrise to sunset. Regular hours must be posted.
- 1802.6** The fee for a Zoning Certificate for any Outdoor Vendor Commercial Use shall be as set forth for an Occupancy Permit in the Zoning Fees Schedule.
- 1802.7** Outdoor display of second-hand or used merchandise is prohibited. Outdoor display of equipment for sale or rent is permitted only on property zoned Industrial (see 1302.4.6)
- 1802.8** Produce may be sold on any Lot or property in any District, provided it was grown on that particular Lot or property. There will be no fee or Zoning Certificate required to sell produce on the same particular Lot or property that it is grown on.

### **1803-DRIVE-THROUGH BUSINESSES AND RESTAURANTS**

- 1803.1** The drive-up or drive-through facility must be attached to a Building, except that an automated teller machine may be in a stand-alone Structure with a canopy or similar roof to protect users from the elements.
- 1803.2** The facility shall be screened from any adjacent Residential District or Use, and lighting shall be limited and fully shielded to prevent glare and light trespass.
- 1803.3** Drive-through and stacking lanes and Parking Lot access shall be clearly identified and delineated.
- 1803.4** A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served.
- 1803.5** Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public Right-of-Way. A minimum of eight (8) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, Parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.
- 1803.6** In the case of a drive-through restaurant, a minimum of two (2) Parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
- 1803.7** All drive-through service windows shall be located on the side or rear of the Building, at least one hundred (100) feet from any Intersection or other Driveway on the same side of

the Street, as measured from the nearest Right-of-Way line to the nearest edge of the access.

- 1803.8** Internal circulation and access to egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
- 1803.9** Amplified speakers and sound equipment shall be located at least fifty (50) feet from any adjoining Residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining Residential property to minimize associated noise impacts.

#### **1804-FOOD TRUCKS**

- 1804.1** A Food Truck is a licensed, motorized vehicle or concession trailer where food items are sold to the general public. A Food Truck does not include a mobile frozen food truck such as an ice cream truck.
- 1804.2** Ice cream trucks require a Transient Vendor's License.
- 1804.3** A Food Truck shall be located only within an approved Off-Street Parking Lot. When applying for a Certificate, the applicant must specify the Lot and provide a sketch of the location. The Food Truck shall be located on the Lot in compliance with the District Setback requirements.
- 1804.4** Outdoor seating may be permitted provided the seating area does not displace any required Parking spaces.
- 1804.5** Amplified sound shall not be permitted.
- 1804.6** The Food Truck shall be stationary at all times when open for business.
- 1804.7** One freestanding sandwich board Sign is permitted to be displayed when the business is open.
- 1804.8** The owner or operator of the Food Truck shall provide trash receptacles, which the owner or operator must empty daily.
- 1804.9** All equipment, other than outdoor seating, shall be inside, attached to or within three (3) feet of the Food Truck.
- 1804.10** Evidence of Trumbull County Health Department approval shall be provided.
- 1804.11** Disposal of wastewater shall be into the sanitary sewer system or self-contained on the vehicle. The use of storm drains is prohibited.
- 1804.12** An Occupancy Certificate must be obtained, and the required fee paid.

#### **1805-BED AND BREAKFASTS**

- 1805.1** A Bed and Breakfast shall not provide more than six (6) guest rooms plus a common area for Use by all guests.
- 1805.2** A Bed and Breakfast establishment shall be located only in a detached Single-Family Dwelling, designed and constructed for Single-Family Use.
- 1805.3** The Bed and Breakfast shall be the principal residence of the owner or manager, who shall reside there when the Bed and Breakfast is in operation.

- 1805.4** Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members and guests of the owner's family.
- 1805.5** There shall be at least one Off-Street Parking space provided for each guest room, in addition to the Parking spaces required to serve the principal residence.
- 1805.6** One Sign, not exceeding four (4) square feet, shall be allowed for identification purposes only, and shall either be mounted on the front wall of the Dwelling or placed within the Front Yard no closer than ten (10') feet to the Front Lot Line. Sign lighting shall be indirect and shielded from view off site. Internally-lighted Signs are not permitted.
- 1805.7** Cooking facilities shall not be permitted in Bed and Breakfast guest rooms.

#### **1806-SHORT-TERM RENTALS**

- 1806.1** A maximum of four guest rooms and ten (10) guests are permitted. Events hosted at the short-term rental property, such as parties or gatherings that exceed the maximum number of guests are not permitted.
- 1806.2** Off-Street Parking shall be provided at a ratio of one (1) space per guest room. The Parking Area shall be located in the Rear Yard and screened from adjoining properties.
- 1806.3** One Sign, not exceeding four (4) square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the Dwelling or placed within the Front Yard no closer than ten (10') feet to the Front Lot Line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted Signs are not permitted.

#### **1806.4 Property Owner Responsibilities**

- 1806.4.1** The property owner must require guests to limit noise so that the quiet and comfort of neighboring property owners are not disturbed. Quiet hours from 11:00 PM to 8:00 AM shall be enforced.
- 1806.4.2** The property owner must provide the zoning inspector a current drawing of the Short-Term Rental showing the location of bedrooms, means of egress from each bedroom, designated parking spaces, and locations of smoke and carbon monoxide detectors.
- 1806.4.3** Each Short-Term Rental must have a property manager (who may be the owner) whose contact information is provided to the township Zoning Inspector and Police Department and kept up to date. The property manager must be physically located within 20 miles of the Short-Term Rental and must be available by telephone 24 hours a day and authorized to take immediate action in response to complaints.
- 1806.4.4** The property owner or local property manager must, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or violated provisions of this resolution or state law, shall require the occupants to immediately vacate the premises.
- 1806.4.5** The property owner shall maintain the property in accordance with this resolution and shall provide for weekly trash collection and disposal.

### **1807-PARCEL DELIVERY FACILITIES, FREIGHT TERMINALS, WAREHOUSING AND STORAGE**

- 1807.1** The site shall have a minimum area of ten (10) Acres, provided the Board of Zoning Appeals may reduce the site area to no less than five (5) Acres where the applicant demonstrates to the Board's satisfaction that the truck terminal operation will be compatible with other surrounding Uses.
- 1807.2** All ingress and egress from the site shall be directly onto an Arterial Street built to a standard to accommodate heavy trucks.
- 1807.3** The site shall be designed so all vehicles are able to enter and leave the site without having to back out onto the Street. Driveways shall be curbed for their full length.
- 1807.4** Traffic must not be hazardous, nor the volume of traffic any greater than the capacity for the Streets involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of Intersections.

### **1808-SELF-STORAGE FACILITIES**

- 1808.1** The minimum size of the site shall be not less than two (2) Acres.
- 1808.2** All ingress and egress from the site shall be directly onto an Arterial or Collector Street. All drives and parking areas must be paved with asphalt or concrete or maintained gravel with a concrete or asphalt apron.
- 1808.3** No storage of combustible or flammable liquids, combustible fibers, or explosive materials, or toxic materials, shall be permitted within the Self-Storage Buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted. No outside storage, other than vehicles which are licensed and operable, is permitted. Vehicles may be parked only on asphalt, concrete, or maintained gravel. No vehicles may be parked on dirt or grass. No more than fifteen (15) vehicles per acre may be stored outside.
- 1808.4** The Use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles, or for any recreational activity or hobby.
- 1808.5** Limited retail sales of products and supplies incidental to the principal Use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.
- 1808.6** Facility must be well-lighted and entirely enclosed by fencing.
- 1808.7** Portable Storage Units may not be used as Self-Storage Facilities.

### **1809-NEW AND USED VEHICLE SALES**

- 1809.1** The minimum Lot size shall be one-half (1/2) Acre with a minimum Lot Width of two hundred feet (200').
- 1809.2** Signs shall conform to the requirements of Article 19. Flags, pennants, balloons, ribbons, or other attention-getting devices are not permitted.
- 1809.3** Temporary or portable Structures are not permitted, including Trailers or modular Buildings.
- 1809.4** **Outdoor Display of Vehicles.**

- 1809.4.1** All vehicles, for sale or otherwise, shall be parked on asphalt or concrete. No more than fifteen (15) Vehicles per acre may be parked for sale on a Lot.
- 1809.4.2** Vehicles cannot be parked more than two (2) deep, with driving lanes between rows.
- 1809.4.3** Vehicle display areas must be outside of the Green Area as set forth in Section 1700.1 “Green Area Requirements for Commercial and Industrial Properties”.
- 1809.4.4** All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles, etc. shall be sold and displayed within an enclosed Building.
- 1809.5** All service work, including car washing, repair and general maintenance, shall be conducted entirely within an enclosed Building.
- 1809.6** All vehicles for sale must be operable and have all windows, doors, etc.
- 1809.7** Audible paging systems or outdoor speakers or exterior bells may be used only between the hours of 8:00 a.m. and 6:00 p.m.
- 1809.8** The use of searchlights or similar equipment is prohibited.
- 1809.9** New and Used Vehicle Sales may be located only in Industrial A Districts.

#### **1810-VEHICLE REPAIRS**

- 1810.1** All main and Accessory Structures shall be set back a minimum of twenty-five feet (25') from any Residential District.
- 1810.2** There shall be a minimum Lot Frontage of one hundred feet (100') or the Zoning District requirement, whichever is greater, on an Arterial or Collector Street; and all access to the property shall be from that Street.
- 1810.3** Driveways or curb openings shall be located at least one hundred feet (100') from any Intersection and fifty feet (50') from any adjacent Residential District boundary line.
- 1810.4** A raised curb of six inches (6") in height shall be constructed along the perimeter of all paved and landscaped areas.
- 1810.5** Overhead doors shall not face a Residential District.
- 1810.6** All maintenance and repair work shall be conducted completely within an enclosed Building.
- 1810.7** There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
- 1810.8** Vehicles must be outside of the Green Area as set forth in Section 1700.1, “Green Area Requirements for Commercial and Industrial Properties”.
- 1810.9** Storage of wrecked, partially dismantled, or other vehicles undergoing repairs, or overnight Parking of any vehicle shall be permitted up to thirty (30) days in a designated area. Such area shall be screened from public view by a solid, sight-obscuring fence or wall six feet (6') in height. No vehicle may be stored outside on the property for more than five (5) days unless in the aforementioned screened area.
- 1810.10** Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed Building.

Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.

- 1810.11** All activities shall occur inside a Building.
- 1810.12** Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.
- 1810.13** Floor drains shall not connect to the sanitary sewer system.
- 1810.14** The minimum required Lot Frontage shall be on an Arterial or Collector Street and all access to the property shall be from that Street.
- 1810.15** If the Use includes fuel sales, the requirements for a vehicle service station shall also be met.
- 1810.16** Vehicle Repair facilities may be located only in Industrial A Districts.

### **1811-VEHICLE SERVICE STATIONS**

- 1811.1** There shall be a Minimum Lot Area of one (1) Acre and minimum Frontage of one hundred and fifty feet (150') on an Arterial Street.
- 1811.2** Only one (1) Driveway shall be permitted from each Street, unless the Planning Commission determines additional Driveways will be necessary to ensure safe and efficient access to the site. Driveways or curb openings shall be located at least one hundred feet (100') from any Intersection and fifty feet (50') from any adjacent Residential District boundary line. No Driveway shall be located nearer than seventy-five feet (75'), as measured along the Property Line, to any other Driveway.
- 1811.3** Pump islands shall be a minimum of thirty feet (30') from any public Right-of-Way or Lot Line. Tanks, propane, and petroleum products shall be set back at least 15 feet (15') from any Lot Line.
- 1811.4** Overhead canopies shall be set back at least 20 feet (20') from the Right-of-Way and constructed of materials consistent with the principal Building. The proposed clearance of any canopy shall be noted on the site plan. All Signs, logos, or identifying paint scheme shall be in accordance with Article 19. The canopy shall not exceed 18 feet (18') in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.
- 1811.5** In the event that a service station has been abandoned or terminated for a period of more than twelve (12) months, all underground gasoline storage tanks shall be removed from the premises, in accordance with state requirements.
- 1811.6** A vehicle service station may be combined with other Uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including Parking, are met for each Use and the most restrictive requirements applicable to any single Use shall apply.
- 1811.7** Vehicle Service Stations may be located only in Industrial A Districts.

### **1812-VEHICLE WASH FACILITIES**

- 1812.1** All washing activities must occur inside a Building.
- 1812.2** The Building exit for washed vehicles must be at least 75 feet (75') from the Entrance Driveway that accesses the site.

- 1812.3** Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.
- 1812.4** Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers. All such water shall be discharged only into the public sanitary sewer system.
- 1812.5** Only one (1) Driveway shall be permitted from any Street.
- 1812.6** For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.
- 1812.7** Overhead doors shall not face a Street in a Residential District.
- 1812.8** A vehicle wash facility Building and any Accessory Buildings and Uses, including vacuums, shall be located at least 50 feet (50') from a Street right-of way line and one hundred feet (100') from any Residential District boundary.
- 1812.9** The property owner or operator must comply with all applicable noise regulations.
- 1812.10** Vehicle Wash Facilities may be located only in Industrial A Districts.

## *ARTICLE 19 - SIGNS*

### **1900-PURPOSE**

The purpose of this Sign regulation is to promote and protect the public health, welfare, and safety by regulating outdoor Signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and to enhance the physical appearance of the community. It is further intended to permit location and reduce Sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by Signs over-hanging or projecting over any public Right-of-Way, curb the deterioration of the natural environment and enhance community development.

### **1901-EXCEPTIONS**

In all districts the following types of Signs are exempt from securing a permit; however, the regulations as specified shall apply:

- 1901.1 Institutional.** Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution located entirely within the premises; and civic, historical interest Signs and the like
- 1901.2 Private Traffic Direction.** Signs directing traffic movements within a premise, not exceeding three (3) square feet in area for each Sign
- 1901.3 Home Occupation Signs.** Home Occupation, professional Signs announcing only the name and occupation of Building tenant; to be no larger than two (2) square feet and placed a minimum of ten (10) feet from the Street Right-of-Way

### **1902-CONDITIONAL USES**

Signs in excess of the minimum standards as specified by these Regulations which identify establishments located in the proximity of major highways serving the motoring public for services such as lodging, food and gasoline may be approved by the Township Board of Zoning Appeals as an exception to the Regulations.

### **1903-SIGN AREAS**

The Sign area shall be that area enclosed by one rectangle or painted area, the side of which makes contact with the extreme points or edges of the Sign, excluding the supporting Structure which does not form part of the Sign proper or of the display. Where a double-face Sign is displayed, only one (1) side shall be used in computation of the Sign area. The maximum area of a permanent Sign face (per side) is as follows:

- |                             |   |   |
|-----------------------------|---|---|
| Lot with a single business  | - | fifty (50) square feet                      |
| Lot with 2-6 businesses     | - | one hundred and ten (110) square feet       |
| Lot with 7- more businesses | - | one hundred and fifty (150) 150 square feet |

### **1904-GENERAL REQUIREMENTS**

**1904.1** Any person seeking to install a Sign shall apply for a Sign Certificate. An application for a Sign Certificate shall be made through the Zoning Inspector, on a standard form which shall include the following information:

- 1904.1.1** The name, address, and telephone number of the applicant;
- 1904.1.2** A scale drawing of the property showing the location of the Sign and for a wall Sign, a scale drawing of the Building showing the dimensions of all walls on which



a Sign is to be placed, including the Building and Signs in relation to adjacent property;

**1904.1.3** A scale drawing of the Sign showing the size, height, construction details, type of materials to be used and information to be included on the Sign;

**1904.1.4** The name and address of the person, firm, association, or corporation responsible for the construction, erection and maintenance of the Sign; and

**1904.1.5** The number of Signs.

**1904.2** The following requirements shall be applicable to all Signs in all Districts:

**1904.2.1** No Sign shall extend over a sidewalk or other public way;

**1904.2.2** No Signs, including temporary Signs, which employ any parts or elements which flash or make use of intermittent illumination to attract attention shall be distracting to drivers or disturbing to residents of neighboring properties. Further, such Signs shall not be illuminated more than one half (1/2) of an hour before or after business hours if such a Sign is located within one thousand feet (1,000') of a Residential District;

**1904.2.3** A Sign shall be removed by the owner or lessee of the premises upon which the Sign is located when the business which it advertises is no longer conducted on the premises;

**1904.2.4** No Sign shall be located as to constitute a safety hazard. Any Sign illuminated with lights shall not be allowed where such illumination interferes with safety or general welfare;

**1904.2.5** All Signs will be properly maintained and will not show any signs of rust, corrosion, exposed wiring, chipped paint, cracked, or loose materials;

**1904.2.6** The manner and attachment of all signage, including temporary Signs, shall be designed by a licensed engineer to ensure the health and safety of the general public;

**1904.2.7** No Certificate or fee shall be required for the change of advertising message or normal maintenance of a sign, provided the size, location, character and Structure remain the same, however, a new business installing a new sign face must apply for a new certificate even if there is no change to the Sign structure; and

**1904.2.8** The area around the Sign shall be kept free of weeds and debris.

**1904.2.9** Signs attached to any vehicle or Trailer that is parked or located for the primary purpose of displaying such Sign is prohibited.

## **1905-COMMERCIAL OR INDUSTRIAL SIGNS**

In addition to the general requirements previously described, the following requirements shall be applicable to Signs located on either Commercial or Industrial property unless otherwise exempted:

**1905.1** Only Identity Signs, which is a sign that identifies the business and products or services offered on the Lot where the Sign is installed, and Temporary Signs, described in section 1907 shall be permitted;

**1905.2** Only one (1) freestanding Sign (pole Sign or monument Sign) may be installed on each Lot identifying the business or services provided;

- 1905.3** Pole Signs shall not exceed thirty feet (30') in height. Any pole Sign more than sixteen feet (16') in height shall not be placed closer to a front or side Street Property Line than one-half (1/2) of the vertical dimension of its height. Any pole Sign between eight and sixteen feet (8'-16') in height shall not be placed closer to a front or side Street Property Line than six feet (6'). Pole Signs shall not be established less than eight feet (8') in height above Street grade, except when placed a minimum of ten feet (10') from the front and side Street Property Lines. Said eight feet (8') above Street grade is to provide an unobstructed Open Space, except for poles or supports no more than twelve inches (12") in diameter;
- 1905.4** No Sign shall be placed closer than two feet (2') to an Interior Lot Line. No portion of a Sign may extend into the Street Right-of-Way.
- 1905.5** A monument Sign shall not exceed six feet (6') in height; and shall be at least ten feet (10') from the edge of the Road Right-of-way.
- 1905.6** One (1) wall Sign is permitted for each space occupied by a business within a Building. The total area of such wall Sign or Signs shall not exceed one and one half (1½) square feet per one (1) lineal foot of the Building Frontage occupied by the business. On a Corner Lot, one (1) additional wall Sign may be installed on the wall which parallels the side Street. Signs which are affixed to an exterior wall of a Building shall not project more than fifteen inches (15") and shall not extend higher than the top of the Building. Wall Signs shall identify the business, commodity, service or entertainment, which is offered, sold or conducted on the premises.
- 1905.7** Directional Signs. Signs indicating a direction or location to which pedestrian or vehicular traffic is requested to move within the same parcel where the sign is located are permitted in addition to the above signs provided that such signs exceed neither four square feet in area nor four feet in height. The number of such signs shall be the minimum necessary to direct traffic within the site as determined by the Zoning Inspector.

## **1906-GOVERNMENT SIGNS**

Any temporary or permanent Sign erected and maintained by the Township of Weathersfield, Trumbull County, State of Ohio, or the United States Federal Governments for traffic direction or for designated or direction to any school, Hospital, historical public site, public service, property or facility, is permitted, and no application for a Certificate is required for a government Sign.

## **1907-TEMPORARY SIGNS**

The following Signs shall be permitted in all districts for a period not exceeding thirty (30) days from placement. A Certificate is not required for a Sign which meets all of these requirements.

- 1907.1 Construction Signs.** Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including advertisement of any product, and Signs announcing the character of the Building enterprise or the purpose for which the Building is intended, during construction period, to a maximum area of thirty-two (32) square feet. The Signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after occupancy of the premises.
- 1907.2 Real Estate.** Signs advertising the sale, rental or lease of the premises or part of the premises on which the Signs are displayed, up to a total area of thirty-two (32) square feet.
- 1907.3 Political Campaigns.** Signs announcing candidates seeking public office and other data pertinent thereto shall be confined within private property and shall be erected no earlier

than thirty (30) days prior to an election and removed within fourteen (14) days after the election for which they were made.

**1907.4 Temporary Accessory Signs.**

- 1907.4.1** No more than one (1) Sign, two (2) in the case of a Corner Lot - one (1) display on each Street Frontage.
- 1907.4.2** Sign(s) shall advertise a price, special, etc., which is in conjunction with the allowable Use of the property, shall be permitted.
- 1907.4.3** Sign(s) shall advertise only those services or products provided at the location.
- 1907.4.4** Accessory temporary Signs shall be no larger than thirty-two (32) square feet, to be non-illuminated and not placed on the Right-of-Way and in no way obstruct traffic visibility. No person shall be permitted to park or place a vehicle, Trailer or portable message Sign of a permanent or semi-permanent nature on public or private property advertising the service or products at that or any other location or directing traffic to the same.
- 1907.4.5** A special event Sign may be displayed for a period of thirty (30) days prior to an event and such Sign shall be removed within forty-eight (48) hours after the closing of such event.

**1907.5 Inflatable Signs or Structures.** Inflatable Signs or Structures are not permitted in any Residential District. Any inflatable Sign or Structure must be attached to the ground in a location such that should it deflate it will not fall onto a Road or public Right-of-Way. The inflatable Sign or Structure must comply with the Sign height limitation and other requirements of the District in which it is located.

**1908-ENTRANCE SIGNS IN DEVELOPMENTS (COMMERCIAL AND RESIDENTIAL)**

- 1908.1** Signs shall be located at the main or primary Entrance to the development and situated so as not to obstruct normal traffic or clear sight distance at an Intersection. Signs are limited to monument type only. Pole and pylon Signs are prohibited. Signs shall not be located within the Road Right-of-Way.
- 1908.2** Each development may have no more than two (2) individual Sign faces: a single 2-sided Sign or two (2) 1-sided Signs. All Signs must be permanently mounted and properly landscaped.
- 1908.3** All Signs will be permanently ground-mounted and will not exceed six feet (6') in height. Exposed foundations must be constructed with a finished "natural" material such as brick, stone or wood. All Signs will be properly maintained and will not show signs of rust, corrosion, exposed wiring, chipped paint, cracked or loose materials.
- 1908.4** Total Sign area of all allowable Sign faces will not exceed sixty (60) square feet and in no case will the area of any individual Sign face exceed thirty (30) square feet.
- 1908.5** The Sign will contain the name of the development only. All lighting will be ground-mounted and directed so as not to be objectionable to adjacent and surrounding properties.

**1909-BILL BOARDS**

Billboards/outdoor advertisement signs shall be classified as a business use and are permitted only in districts zoned Commercial or Industrial or on land used for agricultural purposes as provided in R.C. 519.20. Billboards shall be a Conditional Use subject to approval by the Board of Zoning Appeals. Each billboard shall meet the following conditions:

- 1909.1** No Billboard shall exceed two hundred (200) square feet per side or be more than twenty (20) feet in any dimension;
- 1909.2** No Billboard shall have more than two sides or more than one Billboard per pole;
- 1909.3** Billboards must be pole mounted with a maximum height of twenty (20) feet and a minimum ground clearance of ten (10) feet;
- 1909.4** The pole for any Billboard shall be located behind the front setback line for a building in the district and at least twenty-five (25) feet from any side Lot line
- 1909.5** No Billboard may be located within one thousand (1000) feet from any other Billboard
- 1909.6** All Billboards shall meet the general requirements for Conditional Uses set forth in this Resolution and all state and local laws and regulations.

#### **1910-PROHIBITED SIGNS**

Any Sign which does not meet these Regulations definition and meet all requirements described within this Article 19 shall be strictly prohibited for the purpose of promoting the public health, safety and morals of the residents of Weathersfield Township.

The Zoning Inspector shall have the authority to refuse a zoning permit for any Sign that, in the Zoning Inspector's opinion, may jeopardize the health, safety and well-being of the general public. Attention-getting devices such as banners, posters, pennants, ribbons, streamers, spinners or other similarly fixed or moving devices made up of individual pieces of fabric, plastic, Mylar or any similar material that are smaller than one foot square ("festoons") are prohibited.

*ARTICLE 20 - MINERAL EXTRACTION, TELECOMMUNICATION TOWERS,  
OIL & GAS REGULATIONS, AND OUTDOOR WOOD FURNACES*

**2000- MINERAL EXTRACTION AND ANCILLARY ACTIVITIES**

The following principles of acceptance, submission, and design requirements shall apply to mineral extraction and ancillary activities. Mineral extraction may be permitted as Conditional Use in any Zoning District when the excavation is related to a lake development as part of a Residential, Commercial, office and research, or Industrial development. In addition to the provisions of Article 4 – Variances and Conditional Uses, the following provisions shall be considered in the review of a proposed lake development and mineral extraction and ancillary activities.

**2000.1 Principles of Acceptance.** In reviewing the location and the development plan of a proposed mineral extraction operation, the following general principles of acceptance shall be considered with respect to the particular location and the present and future development of the area.

**2000.1.1** The mineral extraction operation shall not be detrimental to the adjacent land and surrounding area.

**2000.1.2** Storm water runoff shall not be increased onto surrounding properties as a result of excavating or elevating portions of the property under consideration.

**2000.1.3** The Use and development of a proposed mineral extraction operation and its adjacent area shall be properly planned so as to prevent ground water contamination.

**2000.1.4** After completion, the excavated area shall be properly maintained so that it will not become a danger and nuisance to area residents.

**2000.2 Submission Requirements.** The following items shall be submitted with the Conditional Use application:

**2000.2.1** A topographical survey and soils report analysis of the property, prepared by a professional engineer, surveyor, or geologist;

**2000.2.2** A site plan drawn to scale showing the location of the proposed excavated area, final grades, location of any existing or proposed Buildings, septic tanks, leach fields, wells, easements, ditches, and utility lines within one hundred feet (100') of the perimeter of the area;

**2000.2.3** General location map;

**2000.2.4** Location of haul Roads on the property and proposed truck routes to the property;

**2000.2.5** A drainage plan indicating the directional flow of water, holding canals, natural waterways used for drainage, and ditches or tributaries receiving the discharge; and

**2000.2.6** A reclamation plan of the area to be affected, including a specific reuse of the property upon completion of the excavation.

**2000.3 General Conditions and Design Requirements.** The mineral extraction operation shall be conducted in accordance with the following conditions:

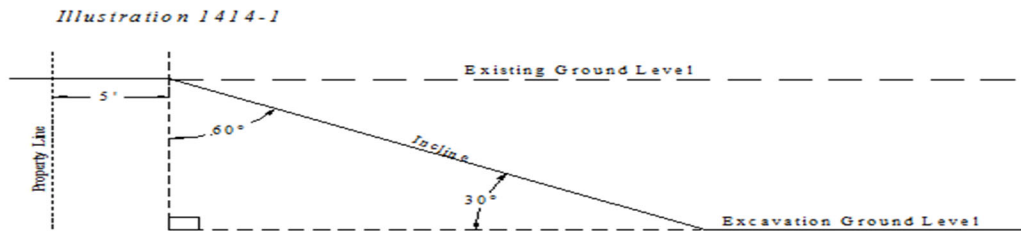
**2000.3.1** The site shall have a minimum of twenty-five (25) Acres;

**2000.3.2** The excavated area shall be a minimum of five (5) Acres and shall not exceed twenty-five percent (25%) of the total site area;

- 2000.3.3** The excavated area shall have a one hundred foot (100') minimum Setback from any public Right-of-Way;
- 2000.3.4** An excavated area shall be located no closer than three hundred feet (300') to a septic tank or leach field and two-hundred feet (200') to a water well;
- 2000.3.5** If the reclamation of the site includes a lake, the lake shall have a minimum depth of seventeen feet (17'). Within fifteen feet (15') of the shoreline, the average slope of the submerged areas of the lake shall be no steeper than 3 to 1. From the shoreline away from the water, the grade shall be no steeper than four (4) to one (1) within twenty feet (20') of the shoreline;
- 2000.3.6** No materials shall be hauled to the property for use as fill, except for clay material which may be required for a lake;
- 2000.3.7** All disturbed surfaces shall be covered with a minimum of six inches (6") of topsoil that has been extracted from the site;
- 2000.3.8** In areas where sanitary sewers are not available, backfilling for any proposed housing site as shown on the reclamation plan shall be distributed to elevate one (1) Acre for each housing site to six feet (6') above the seasonal high water table. The topsoil on a proposed housing site shall be stripped and stored, then the area backfilled and compacted with the excavated material, the topsoil replaced over the backfilled area(s), and final grading completed;
- 2000.3.9** All backfilling and excavated material distribution shall be certified in writing to the Township Zoning Inspector as conforming to the site grading plan and reclamation plan. The written certification shall be submitted by a Professional Engineer or surveyor and shall be submitted at the time of completion or in phases as required by the provisions of the Conditional Use approval;
- 2000.3.10** Any areas not backfilled must be drained with ditches, which shall include culverts under all Driveways to eliminate any standing water;
- 2000.3.11** All haul Roads shall be properly maintained to control dust, and shall have a gate to control vehicular ingress and egress. All truck routes shall be cleaned and maintained daily;
- 2000.3.12** The entire excavated area and equipment storage area shall be completely fenced before any excavation begins and shall be maintained until the completion of the excavation;
- 2000.3.13** The hours of operation shall be limited to:  
**Monday through Friday: 7:00 a.m. to 7:00 p.m.**  
**Saturday: 9:00 a.m. to 5:00 p.m.**  
**Sunday: Not Permitted**
- 2000.3.14** There shall be no mining operations unless approved by the Board of Zoning Appeals. Furthermore there shall be no mining or excavating of Minerals, coal, sand or clay, topsoil or other materials within one hundred feet (100') of any Road, Street, highway or Property Line. After the mining or excavating operations all land within five hundred feet (500') of such Road, Street highway or Property Line shall restored to a reasonable extent of its original condition within one (1) year by the mining or excavating company or by the owner of surface rights, or restored to a condition established by the Board of Zoning Appeals. Excavation adjacent to a Property Line will have an incline of no more

than thirty degrees (30°) as measured from the bottom horizontal plane as shown in the illustration (see Illustration); and

- 2000.3.15** In addition, annual approval must be obtained from the Board of Zoning Appeals for the continuance of mining operations. Reasonable conditions may be imposed by the Board as condition of continuing any mining operations.



## 2001- OIL & GAS REGULATIONS

- 2001.1** The Township recognizes that pursuant to Ohio Revised Code Chapter 1509, the Ohio Department of Natural Resources, Division of Mineral Resources Management (DMRM), has the authority to regulate permitting and operations for oil and gas drilling. The decision of the Ohio Supreme Court in *State ex rel. Morrison v. Beck Energy Corp*, 2015-Ohio-485 indicates that local zoning ordinances may regulate areas of traditional zoning concern, such as limiting Oil or Gas Wells to certain Zoning Districts and requiring Setbacks. This Zoning Regulation supplement states regulations where not otherwise prohibited by law.

### 2001.2 Definitions

- 2001.2.1 Oil or Gas Well (Well).** Any borehole, whether drilled or bored, for exploration, production, extraction, or injection of gas, oil or any other liquid hydrocarbon
- 2001.2.2 Well Pad.** The area that is cleared or prepared for, or occupied by the facilities, Structures, and equipment necessary for or incidental to the drilling or operation of an Oil or Gas Well. Also known as a **Well Site or Drill Site**.
- 2001.2.3 Horizontal Well.** A Well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the Well is stimulated by hydraulic fracturing. Also known as **Unconventional or Deep Wells**.
- 2001.2.4 Impoundment Pond or Pit.** A reservoir for holding brine, oil, and other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration or production
- 2001.2.5 Injection Well.** A Well, designed or used for the injection into an underground formation brine, wastewater, and/or other waste substances produced in connection with oil or gas drilling, exploration, or production
- 2001.2.6 Conventional Oil and Gas Well.** A Well that is drilled for the production of oil or gas in which the wellbore drills only vertically. Also known as a **Shallow Well**.
- 2001.2.7 Compressor.** A device that raises the pressure of oil, gas, and or by-products thereof to move them through a pipeline or related equipment. All Compressors must be located within completely enclosed Buildings.

- 2001.2.8 Compressor Station.** A facility, including one or more Compressors, associated Buildings, pipes, valves, tanks and other equipment, designed and constructed to compress, and thereby raise the pressure of, oil, natural gas, and/or by-products thereof, either at the Well Pad, pipeline or a distribution or processing facility, to facilitate the transmission of oil, gas, and/or by-products
- 2001.2.9 Brine.** Water containing saline and other substances released from geological formations resulting, obtained, or produced in connection with the exploration, drilling or production of Oil or Gas Wells. Also known as **Flowback Water**.
- 2001.3 Zoning Districts where Well Pads and Compressor Stations may be located**
- 2001.3.1** Exploration and/or extraction of oil and gas by means of Conventional Wells is a Permitted Use in all Zoning Districts, provided that the required Setbacks and other provisions of these Zoning Regulations are complied with.
- 2001.3.2** Well Pads for Horizontal Wells for exploration and/or extraction of oil or gas is a Conditionally Permitted Use in Industrial B Districts, and in Agricultural/Suburban Estate Residential Districts on Lots greater than 25 Acres that are served by public water systems. On Agricultural/Suburban Estate Residential Lots the Well Pad must be centered away from adjoining properties.
- 2001.3.3** Injection Wells and Compressor Stations are a Conditionally Permitted Use only in the Industrial B District.
- 2001.4 Application for Zoning Permit for Oil or Gas Wells.** No Oil or Gas Well shall be drilled or Compressor Station installed unless the owner, producer, or contractor complies with all requirements set forth in these Zoning Regulations. Any person, firm or corporation seeking to drill a new Oil or Gas Well or Injection Well, drill an existing Oil or Gas Well deeper, re-open an Oil or Gas Well or Injection Well, convert an Oil or Gas Well to an Injection Well, or install a Compressor Station, shall first apply for and obtain a Zoning Certificate, and if required, an approval for a Conditional Use Certificate. A separate application is required for each Oil or Gas Well. The Application for a Zoning Certificate shall provide a narrative describing the proposed Use and include the following:
- 2001.4.1** The Property owner's name, mailing address and contact phone number;
- 2001.4.2** The name, address and contact phone number of the persons, corporations, partnerships, joint ventures or other legal entities conducting the drilling, extracting compression and or injection operations on the site;
- 2001.4.3** A site plan drawn to scale showing the current property boundary Lot Lines, the proposed location(s) of the Well Pad or Compression Station site, all proposed temporary and permanent storage tanks, apparatus, appliances, equipment, utility installations, Buildings, Structures, Driveway locations, adjoining Streets and other items associated with the site(s) and showing compliance with the requirements of these Zoning Regulations;
- 2001.4.4** Copies of all required federal and state permits issued and/or applied for with respect to the site and any related operations within the Township, including a copy of the state permit application as submitted to the DMRM;
- 2001.4.5** A plan for handling, storage, removal and disposal of drilling fluids and materials, salt water, frack water, sludge and any other gas or oil field waste, including a copy of any salt water and waste disposal plans submitted to the DMRM;
- 2001.4.6** A copy of any spill prevention control and counter-measure plan required by state or federal laws or regulations;



- 2001.4.7** A map showing the planned access route to the site on public Streets, and a plan indicating the type, number, and weight of vehicles used for transportation of materials and equipment;
- 2001.4.8** A schedule stating when site preparation is to begin, when drilling is to begin and end, when drilling equipment is to be removed, when Access Roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and the anticipated beginning date of operation of the Well or Compressor Station;
- 2001.4.9** Plans for fencing, lighting, screening, and signing that are in compliance with the relevant provisions of the Township Zoning Regulations;
- 2001.4.10** A plan for the pipelines for transmission of the oil or gas to and from the Well or Compressor Station;
- 2001.4.11** A plan for transmission of the water to be used for hydro fracturing, proposed truck routes through the Township and/or temporary water lines, on-site storage, treatment, and disposal facilities;
- 2001.4.12** A plan for restoration of the drilling site, including grading and landscaping the site after drilling and fracturing stages are completed, to closely resemble the pre-existing condition of the site (such grading and landscaping shall be completed within sixty (60) days of completion of the drilling/fracturing);
- 2001.4.13** The emergency contact information with a telephone number where the person supervising the site can be reached twenty-four hours a day.
- 2001.4.14 Injection Wells or Horizontal Wells** - At any Injection Well or Horizontal Well, the following are required upon application:
  - 2001.4.14 (a)** A plan for monitoring for seismic activity;
  - 2001.4.14 (b)** A traffic impact study;
  - 2001.4.14 (c)** A plan for the continued restoration and maintenance of all Township-maintained Roads impacted by the traffic for the well, and the applicant shall enter into a Road Use Maintenance Agreement (RUMA);
  - 2001.4.14 (d)** A plan for immediately notifying the Township and adjoining residents of any spill, accident, or contamination
- 2001.5 Required Setbacks.** No Compressor Station shall be located and no Well shall be drilled or operated nearer than the following. All Setbacks are to be measured from the outside edge of any facility that is part of the Well Pad, Compressor Station or associated tanks or outbuildings.

### Setbacks

	<i>Conventional Wells</i>	<i>Unconventional Wells, Compressor Stations Or Injection Wells</i>
Residential Dwelling	500 feet	1000 feet
Public Building	500 feet	1000 feet
Public Road Right-of-Way Or railroad track	200 feet	200 feet
Water Well	500 feet	500 feet

**2001.6 Road Use.** The applicant shall submit a Road Use plan showing the proposed route of all trucks to be utilized for hauling equipment, water, supplies and the like, the estimated weights of those trucks, and the estimated number of trucks entering and exiting the facility on a daily basis at each point in the preparation, drilling, and post-drilling processes.

**2001.6.1 Road Routes.** The operator shall meet with representatives of the School District, the Township and public safety officials to develop a traffic management plan to ensure safety of pedestrians, students, and drivers on public Streets, school crossings, pedestrian crossings, and school bus routes during times of anticipated heavy or frequent truck traffic associated with site development, drilling, or hydraulic fracturing. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on Township Roads and to minimize the chance of accidents. The Township reserves the right to designate alternate routes in the event the applicant's proposed routes are deemed by the Township Administrator to be inadequate, unsafe, or overly disruptive to normal traffic in the Township.

**2001.6.2 Overweight Vehicles.** At no time shall any overweight vehicle travel upon any Township Road, or portion thereof, other than as provided by law.

**2001.6.3** No saltwater, brine or other liquid waste shall be deposited on Township Roads or property.

**2001.6.4** No loading or unloading of oil, water or other materials is to be made from the public Roadways. Blocking of any Roadway is prohibited. An Off-Street area at the Entrance to the drill site and outside the Road Right-of-Way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public Streets is undisturbed.

**2001.6.5** No water trucks shall run on Township Roads during times when school buses are picking up or dropping off students.

**2001.6.6** No cleat track vehicles are allowed on Township Roads, except in cases of emergency or by advance written permission of the Township.

**2001.6.7** The property owner or legal entity conducting the oil or gas drilling and/or extraction operations on the owner's property site shall enter into and execute a Road Use and Maintenance Agreement (RUMA). The RUMA is to be executed between Weathersfield Township and the drilling owner/operator for the maintenance of the Township Roadways. Upon execution of said Agreement, a

copy of the Road Use and maintenance Agreement will be filed with the Trumbull County Engineer's Office by the Township.

- 2001.7 Driveway/Private Access Roads.** Access to all Well Pads and all support Structures shall be by way of a Driveway or Access Road which shall be paved with an impervious material from the public Street to a point at least fifty feet (50') into the site, and the remainder of which shall be constructed of slag, stone, or asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation and to prevent displacement under anticipated loading (i.e., the heaviest fire equipment owned or operated by the Township). The Driveway must be a minimum of fifty feet (50') from Roadway Intersections and adjoining Lot Lines.
- 2001.7.1** The Driveway/Access Road shall have a culvert and/or Roadside ditch of sufficient diameter to divert all water runoff away from public Streets.
- 2001.7.2** All Driveways and Access Roads shall have a metal gate or cable to prevent unauthorized access to the site. In lieu of a gate the operator may provide 24/7 security on-site.
- 2001.7.3** A conspicuous Sign shall be posted on the access gate that shall include the Well name and number, the name of the operator and the telephone number for the person responsible who may be contacted 24/7 in case of emergency, along with other pertinent information to aid safety forces in the event of an emergency.
- 2001.7.4** The drilling area shall be maintained in a neat and orderly condition and, as far as is practicable, all wheeled equipment is to be free of mud prior to entering the highway or Road so that no deposit or debris is left on the highway or Road. The drilling company shall be responsible for maintenance of the immediate Well area and its associated facilities. This maintenance shall include trash and debris removal, landscaping and any necessary clean up in the case of a Well malfunction. Restoration landscaping shall be completed within sixty (60) days after drilling has been completed.
- 2001.8 Open waste pits prohibited.** No open impoundment ponds or below-grade storage tanks shall be permitted for storing drilling and hydraulic fracturing fluids or flowback water within the Township. Wherever possible, closed-loop fluid handling systems shall be used. (A system to store and separate out wastes from oil and gas drilling, such as produced water, fracking fluids, condensates, drill cuttings, etc., through a series of storage tanks, equipment to separate out solids (screen shakers, hydrocyclones, centrifuges), with the intent that drilling and fracking fluids do not come into contact with the ground surface and drilling fluids may be recycled and reused in the drilling process). If a closed-loop fluid handling system is not feasible then a closed fluid containment system may be used (wastes from oil or gas drilling, such as produced water, fracking fluids, condensates, drill cuttings, etc., are stored in closed tanks that are not open on top and are removed from the site). All above-ground tanks that contain fluids other than fresh water must be contained in an impermeable bermed enclosure to contain a volume of one-third (1/3) more than the total volume of the largest tank or of all interconnected tanks.
- 2001.9 Fencing required.** Storage tanks, separators, Well installations, and other permanent producing facilities shall be entirely enclosed by a six feet (6') high chain link fence. All fences shall be kept in good repair. All gates shall be padlocked. Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc., shall not be closer than seventy five feet (75') from any public Right-of-Way, fifty feet (50') from any Property Line, two hundred feet (200')

from any private Dwelling house, or five hundred feet (500') from any potable water well. Tanks may not exceed ten feet (10') in height, and must be painted and maintained.

- 2001.10 Noise limitation.** The maximum sound level of all operations at any Well Site or Compressor Station shall be eighty (80) dBA at a distance of three hundred fifty feet (350'), or at the Property Line, whichever is farther. Between 7:00 a.m. to 7:00 p.m. the noise levels permitted may be increased ten (10) decibels for a period not to exceed fifteen (15) minutes in any one (1) hour period. All motor powered equipment intended for permanent Use in production of Wells or transmission of fluid or gas shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or mobile service rigs at the site. Any engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and each drilling rig shall be provided with fire resistant soundproofing material as needed to comply with the noise limitation.
- 2001.11 Construction activities.** No construction activities involving excavation, alteration, or repair work on any Access Road or drilling site shall be performed between the hours of 7:00 p.m. and 7:00 a.m. These time restrictions shall not apply to drilling or hydraulic fracturing.
- 2001.12 Buildings.** Buildings, condensate and salt water tanks, and any other Structures shall comply with the height and Lot coverage limitations of the Zoning District.
- 2001.13 Temporary housing at the drilling site:** Housing of workers on the drilling site or on the property that contains the drilling site, whether in Trailers, bunk houses, or permanent dwellings, is not permitted. The Township recognizes, however, that certain supervisory personnel (generally not to exceed six (6) individuals at any one time) are required for reasons of safety to be present at drilling sites when drilling is occurring on a continuous basis. Temporary resting accommodations for such supervisory personnel are permitted. Prior to utilizing any such accommodations, the operator shall notify the Township of such proposed Use, a list of the job titles that constitute supervisory personnel, the names and contact information of each supervisor to be on site, and the dates supervisors are expected to be using the accommodations.
- 2001.14 Limitation on light.** All artificial lighting used at any Well Site or Compressor Station shall be designed, constructed and located in such manner to prevent light emission from where the Well Pad or Compressor Station is located on the property. Site lighting shall be directed downward and internally. Exterior lights shall be turned off except when personnel are working on the site or when motion sensors are activated.
- 2001.15 Pipelines.** All pipelines shall be buried a minimum of thirty inches (30") deep. Pipelines crossing under Roads shall be installed by the boring method, with a bore of at least three feet (3') below the flow lines of all ditches.
- 2001.16 Shut-off valves.** All pertinent emergency shut-off valves shall be painted red and shall indicate the direction for turning said valve on and off.
- 2001.17 Required safety and emergency management information.** Upon request of the Township, the operator will, prior to drilling in the Township, make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders.
- 2001.18 Notification of neighbors.** The operator shall, in writing via a letter delivered to the addresses of the residents and owners of properties within one thousand feet (1,000') of the property on which the drill site is located to a meeting, to be held at least thirty (30) days prior to the initiation of drilling. At this meeting the operator shall present their plans for the Well and allow a time for questions and answers. The operator shall also provide

during the meeting a copy of the Well survey Plat showing the location of the planned Well, a general description of the planned operations at the Well and associated equipment to be used in the development of the Well, and the contact information for the operator and the Well Site supervisor.

- 2001.19 Leaks.** After any spill, leak, or malfunction, the operator shall immediately inform the Township and first responders.
- 2001.20 Seismic Activity.** The operator shall provide for notification to the Township of all seismic activity noted greater than 0.5 magnitude.
- 2001.21 Right of access.** The Township Zoning Inspector, Township Fire Chief, and other professionals shall have access to the site to determine compliance with the terms of these Regulations and any conditions established as part of the approval of the Conditional Use.

## **2002-TELECOMMUNICATION TOWERS OR STATIONS AND THEIR ACCESSORY USES IN RESIDENTIAL DISTRICTS**

In accordance with the Telecommunications Act of 1996 and ORC 519.211, when a telecommunication tower is planned to be constructed the procedures indicated therein shall be followed. All Zoning Districts where Dwellings of any kind are permitted shall be construed to be an area zoned for Residential Use.

If the Board of Trustees receives notice of objection by a property owner under ORC 518.211, or if a Board member makes an objection to the proposed location of a telecommunications tower within a Residential District, the Board of Trustees shall proceed as provided in O.R.C. 519.211(B)(4)(a). Telecommunication towers shall be permitted as a use exempt from any local zoning authority in residential zoned areas only if no objections are timely filed as provided in O.R.C. 519.211(B)(4)(b). If objections are timely filed consistent with O.R.C. 519.211(B) for a proposed telecommunications tower in a district zoned for residential use then the telecommunications may only be permitted as a conditional use by the Board of Zoning Appeals, provided that all of the following conditions of this Section are met, in addition to the Setback and other similar applicable requirements of the Residential District:

- 2002.1** The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing Structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- 2002.2** The applicant shall demonstrate that no suitable site is available in a non-Residential District.
- 2002.3** No tower shall be erected at a distance closer than the height of the tower plus fifty feet (50') from any Structure, Road, highway, or Property Line, excluding any Building or Road which is necessary to the express use of the tower.
- 2002.4** An eight foot (8') high security fence shall be placed around the tower base and all appurtenant Structures within twenty feet (20') of the tower base.
- 2002.5** Transmission and receiving equipment shall be stored inside a Building constructed for that purpose.
- 2002.6** The entire site must be appropriately landscaped and screened to be harmonious with surrounding properties and to minimize visual impacts. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen,

comprised of either a hedge, planted three feet (3') on center maximum, or a row of evergreen trees planted five feet (5') on center maximum

- 2002.7** The applicant shall notify the Township Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the Structures and Buildings is required within sixty (60) days of ceasing operations.
- 2002.8** No advertising or illumination other than that which is required by law may be located on the Structure.
- 2002.9** The telecommunication tower and all Accessory Structures shall meet all required area and Setback requirements and shall not exceed one hundred twenty feet (120') in height.
- 2002.10** If an antenna for a wireless telecommunication facility is to be attached to an existing Structure or Building the following conditions apply:
- 2002.10.1** The maximum height shall be twenty feet (20') or twenty percent (20%) of the Building height above the existing Structure, whichever is greater;
  - 2002.10.2** If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the Building) the shelter shall comply with the following:
    - 2002.10.2(a)** The minimum Setback requirements for the subject Zoning District
    - 2002.10.2(b)** A Buffer yard may be planted in accordance with Section 1700.2
    - 2002.10.2(c)** Vehicular access to the shelter shall not interfere with the Parking or vehicular circulation on the site for the principal use
    - 2002.10.2(d)** The maximum size of the equipment shelter shall not exceed three hundred (300) square feet, or if there is more than one user, seven hundred and fifty (750) square feet; and
- 2002.11** The applicant shall demonstrate that a "co-location" of the telecommunication tower equipment with other telecommunication towers or facilities in the vicinity was considered. Co-location is encouraged wherever feasible.

### **2003- OUTDOOR WOOD FURNACES**

**2003.1 Purpose and Applicability.** Although Outdoor Wood Furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Section 2003 is intended to ensure that Outdoor Wood Furnaces are utilized in a manner that does not create a nuisance and are not detrimental to the health, safety and general welfare of the residents of Weathersfield Township. This Section applies to all Outdoor Wood Furnaces within Weathersfield Township, but does not apply to (i) grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances; (ii) burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device that is located within a Building used for human habitation; or (iii) the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**2003.2 Definitions.**

- 2003.2.1 Outdoor Wood Furnace.** Any equipment, device, appliance or apparatus, or any part thereof, which is constructed, installed, established, operated or maintained outdoors or within a Structure not normally occupied by humans and typically is primarily hand-loaded for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an outdoor wood boiler, outdoor wood-fired hydronic heater or outdoor hydronic heater.
- 2003.2.2 Chimney.** Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber
- 2003.2.3 Existing Outdoor Wood Furnace.** An Outdoor Wood Furnace that was purchased, installed and fully operating prior to December 17, 2009.
- 2003.2.4 New Outdoor Wood Furnace.** An Outdoor Wood Furnace that is first fully operating after December 17, 2009.
- 2003.2.5 Natural Wood.** Wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- 2003.3 Application for Certificate and Registration.**
- 2003.3.1** Any person desiring to install a new Outdoor Wood Furnace within Weathersfield Township shall first obtain a Certificate from the Zoning Inspector and shall pay a Certificate fee as set by the Board of Trustees from time to time. If no such fee is specifically set, then the fee shall be calculated on the same basis as the fee is calculated for a permit to construct a Building. The application for such a Certificate shall meet the following requirements:
- 2003.3.1(a)** It shall include a plan showing all Property Lines of the property on which the Outdoor Wood Furnace is proposed to be installed, the proposed screening, the locations and distances of all Dwellings or occupied Buildings on adjoining properties within a distance of five hundred feet (500') from the Property Lines of the property on which the Outdoor Wood Furnace is proposed to be installed, and the proposed location of the Outdoor Wood Furnace;
  - 2003.3.1(b)** It shall include documentation confirming that the applicant has obtained all required federal, state, and County permits for the installation of the Outdoor Wood Furnace and its connection to the mechanical system of the Structure it will serve;
  - 2003.3.1(c)** It will provide a true and complete copy of the manufacturer's specifications, instructions, and operating manual for the Outdoor Wood Furnace, with which the applicant shall comply at all times; and
  - 2003.3.1(d)** It shall include documentation that the Outdoor Wood Furnace complies with all applicable federal, state and County requirements and has been laboratory tested and listed to comply with appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) standards.
- 2003.3.2** All applications and registrations shall be signed by all owners of the Lot on which the Outdoor Wood Furnace will be located and, in the case of a New Outdoor

Wood Furnace, the contractor installing the New Outdoor Wood Furnace.

**2003.4 Regulations for New Outdoor Wood Furnaces.**

- 2003.4.1** No person shall construct, install, establish, operate or maintain an Outdoor Wood Furnace in the following Zoning Districts: Residential A, Residential B, Residential C, Residential D, or any Residential Zoning District created in the future. In addition to the prohibition set forth in the preceding sentence, no person shall construct, install, establish, operate or maintain an Outdoor Wood Furnace in any other District except in compliance with this Section 2003.
- 2003.4.2** All New Outdoor Wood Furnaces shall be constructed, installed, established, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Section 2003. In the event of a conflict, the requirements of this Section 2003 shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- 2003.4.3** All New Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) standards.
- 2003.4.4** Location Restrictions for any New Outdoor Wood Furnace:
- 2003.4.4(a)** The Outdoor Wood Furnace shall be located at least two hundred feet (200') from all Property Lines.
  - 2003.4.4(b)** The Outdoor Wood Furnace shall be located at least three hundred feet (300') from any residence that is not served by the Outdoor Wood Furnace.
  - 2003.4.4(c)** The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
  - 2003.4.4(d)** The Outdoor Wood Furnace shall be located within twenty-five feet (25') of the primary residence to be served by the Outdoor Wood Furnace.
- 2003.4.5** The chimney of any New Outdoor Wood Furnace shall extend to the highest of (i) twenty feet (20') above the surface of the ground on which the Outdoor Wood Furnace is constructed, (ii) at least two feet (2') above the highest peak of any residence not served by the Outdoor Wood Furnace located within four hundred feet (400') of such Outdoor Wood Furnace, (iii) or at least two feet (2') above the highest peak of all residences served by the Outdoor Wood Furnace.

**2003.5 Regulations for All Outdoor Wood Furnaces.**

- 2003.5.1** Fuel burned in all Outdoor Wood Furnaces shall be only Natural Wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions and backup fuel oil, natural gas or propane. The following fuels are strictly prohibited in all Outdoor Wood 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, and 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; or (vi) any other items prohibited in any rules or regulations finally adopted with respect to permitted fuels in Outdoor Wood Furnaces by the Ohio or United States Environmental Protection Agency or any other items not specifically allowed by the manufacturer or this provision.

- 2003.5.2** All Outdoor Wood Furnaces shall be equipped with properly functioning spark arrestors.
- 2003.5.3** Outdoor Wood Furnaces and any electrical, plumbing, mechanical or other apparatus or device in connection with an Outdoor Wood Furnace shall be constructed, established, installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules and regulations.
- 2003.5.4** Outdoor Wood Furnaces shall be entirely enclosed by a padlocked six foot (6') high chain link fence. Fences shall be suitably screened and kept in good state of repair until the Outdoor Wood Furnace is taken out of service.
- 2003.5.5** If an Outdoor Wood Furnace is creating a nuisance, as defined by local or state law, the owner shall cease and desist operating the Outdoor Wood Furnace until steps are taken to ensure that the Outdoor Wood Furnace will not be a nuisance.
- 2003.6 Interpretation.** Whenever any provision of this Section 2003 imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Section 2003 shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Section 2003, then the provisions of such law or ordinance shall govern. Where any provision of this Section 2003 differs from any other provision of this Section 2003 the more restrictive requirement shall prevail. The provisions of this Section 2003 are severable and the invalidity of a particular provision shall not invalidate any other provisions.

## *ARTICLE 21- AGRICULTURAL USES*

### **2100- GENERAL PROVISIONS**

- 2100.1** As provided in ORC 519.21, nothing in these Regulations shall be interpreted to prohibit the use of land or structures for agriculture on any Lot greater than five (5) acres in size. Agriculture is defined in ORC 519.01.
- 2100.2** Unless otherwise specified in these Regulations, the Agricultural Uses are prohibited in:
- 2100.2.1** Platted subdivisions
  - 2100.2.2** Areas with fifteen (15) or more contiguous Lots on one (1) side of a public dedicated Road, approved as subdivisions exempt from Platting under Ohio Revised Code, Section 711.131
  - 2100.2.3** Areas with fifteen (15) or more Lots where some are contiguous to one another on one (1) side of a dedicated public Road, and the balance are contiguous to one another and across the Street of the same dedicated public Road and which have been approved as subdivisions exempt from Platting under Ohio Revised Code, Section 711.131.
- 2100.3** The raising of fruits, vegetables, plants, or nursery stock for personal use and sales of such produce raised on the premises shall be permitted on any size Lot, provided that no public health nuisance is created.
- 2100.4. Agricultural Buildings Exempt from Zoning Requirements.** Pursuant to R.C. 519.21(B) certain Agricultural Buildings are exempt from Zoning Regulations as follows:
- 2100.4.1 Agricultural Building Use Application/Affidavit required.** Any person who seeks to construct, reconstruct, enlarge, or structurally alter any Building or Structure to be used primarily for Agricultural purposes, as defined in R.C. 519.01, shall complete the Agricultural Building Use Application/Affidavit. The Zoning Inspector shall determine if the proposed Building will be used primarily for agricultural purposes and if the location fits within any of the exemptions as set forth below. If so, the Zoning Inspector will issue a Zoning Certificate that the Building is “Agriculture Building – Exempt” and the Building is exempt from the Zoning Certificate fee. If the Zoning Inspector issues a Zoning Certificate declaring the Building an Agricultural Use, the Building is not subject to the Ohio Building Code pursuant to RC §3781.061. If the Building does not meet the exemption requirements, a regular Zoning Certificate is required.
  - 2100.4.2 On lots of five acres or more:** If a Building or Structure will be primarily used for and directly related to agricultural activity on the same parcel of land, the Building is Agricultural Building-Exempt and not required to comply with zoning regulations.
  - 2100.4.3 On lots that are less than 5 acres but more than one acre and located either in 1) a platted subdivision, or 2) non-platted area of the township where there are at least 15 contiguous lots (or some of the 15 lots are contiguous on one side of a public street, and some are on the other side of the street):** If a Building or Structure will be primarily used for and directly related to agricultural activity on the same parcel of land, the Building is Agricultural Building-Exempt, however the Building must comply with the height, size, and Setback requirements of the zoning district.

**2100.4.4 On lots that are less than 5 acres but more than one acre and located in a subdivision which has at least 35% of the total lots developed:** If a Building or Structure is primarily used for and directly related to agricultural activity *other than* Animal Husbandry or Dairying, on the same parcel of land, the Building is Agricultural Building-Exempt, however, the Building must comply with the height, size, and Setback requirements of the District. Animal Husbandry or Dairying is prohibited on such lots pursuant to R.C. 519.21(B).

**2100.4.5 On lots that are 1 acre or less –** All Structures must meet all of the requirements of the zoning regulations and obtain a Zoning Certificate, even if used for agricultural activity.

**2101- LOTS OF GREATER THAN ONE (1) ACRE AND LESS THAN FIVE (5) ACRES**

**2101.1** Pursuant to ORC 519.21(B), Animal Husbandry and Dairying is permitted on lots greater than one (1) Acre but not greater than five (5) Acres, only until at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) Building, Structure or improvement that is subject to real property taxation or that is subject to the tax on Manufactured and Mobile Homes under ORC 4503.06. After thirty-five percent (35%) of the lots are so developed, Animal Husbandry and Dairying shall not be permitted in the subdivision, and any existing use shall be considered a Nonconforming Use of land and Buildings or Structures pursuant to ORC 519.19. In areas where Animal Husbandry and Dairying are permitted, the following restrictions apply;

**2101.1.1** Animal Husbandry and Dairying shall be permitted only if the area in which animals and shall be fed, sheltered, kept, and allowed is no closer than one hundred feet (100') from any adjoining property. All Buildings and Structures incident to the keeping of such animals and poultry must also be no closer than one hundred feet (100') from any adjoining property and Animal Husbandry and Dairying shall be permitted only if there is adequate Buffering to protect all adjoining properties from the noise, odors, and other nuisance conditions which may be associated with such Husbandry and Dairying practices.

**2101.1.2** Farm animals such as horses, donkeys, llamas, sheep, goats, cattle and swine, etc., shall be maintained in a fenced area. Animals shall not run freely outside of the owner's property.

**2101.1.3** The amount of land available for grazing of large animals shall meet or exceed the units per Acre standards of the OSU Extension Service.

**2101.2** All Buildings and Structures, including Buildings used for Agricultural Uses, shall comply with the Building Setbacks for the District.

**2101.2.1** All Buildings and Structures shall not cover more than ten percent (10%) of the Lot Area nor be more than 40 feet (40') in height.

**2101.2.2** Animal shelters and enclosures must be maintained and well drained away from the Building and animals to prevent ponding of water, insect breeding areas, and health hazards for animals and humans.

## **2102- CHICKENS, DUCKS, RABBITS AND SIMILAR SMALL FARM ANIMALS**

The keeping of chickens, ducks, rabbits and similar small farm animals, and cages, coops and enclosures for the keeping of such animals, shall be permitted on lots of one Acre or more in size as follows:

- 2102.1 Number.** No more than eight such animals per acre shall be kept
- 2102.2 Setbacks.** The coops or cages housing such animals are allowed in the Rear Yard only, and shall not be located within fifteen feet (15') of a Side Yard line or a Rear Yard line.
- 2102.3 Coops and Cages.** All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals. The facility must be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility must not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health. Birds must be kept in coops from dusk to dawn.
  - 2102.3.1** Coops and cages, singly or in combination, shall not exceed ten feet (10') in height.
  - 2102.3.2** The coop and run must be adequately screened from view with evergreen plant material or fencing.
  - 2102.3.3** Manure shall not be stored on the premises.
- 2102.4 Enclosures and Fences.** Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.
- 2102.5 Animal or Bird Noise.** It shall be unlawful for any person or other party operating or occupying any Building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises. No roosters shall be allowed on any premises where Animal Husbandry is not permitted pursuant to ORC 519.21 (B).
- 2102.6 Slaughtering of Animals.** Chickens, ducks, rabbits and similar small animals may be slaughtered on site only inside a Garage or other Building and only if for Use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site. Animals killed by hunting may be slaughtered and hung on the premises.

## **2103- BEES**

The keeping of bees, and associated beehives, shall be governed by the following regulations:

- 2103.1 Number.** No more than one (1) beehive shall be kept for each two-thousand four hundred (2,400) square feet of Lot Area, and no beehive shall be kept on a Lot less than one-half (1/2) Acre in size.
- 2103.2 Location and Setbacks.** No beehive shall be kept closer than fifty feet (50') to any Lot Line and one hundred feet (100') to a Dwelling or the permitted placement of a Dwelling on another parcel, and no beehive shall be kept in a required Front Yard or Side Street Yard.
- 2103.3 Fences and Shrubs.** A solid fence or dense hedge, known as a "flyway barrier," at least six feet (6') in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five feet (5') of the hive and shall extend at least two feet (2') on either side of the hive, between the hive and the neighboring Property Line.

- 2103.4 Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring Swimming Pools or other sources of water on nearby properties.

**2104- FARM MARKETS**

- 2104.1** Farm Market Structures shall comply with the Side Yard Setbacks of the District.
- 2104.2** There shall be one (1) Farm Market or Roadside Stand allowed for each farm or Lot.
- 2104.3** The Farm Market shall be located at least 30 feet (30') from the Road Right-of-Way.
- 2104.4** Adequate ingress and egress and Parking facilities must be provided to prevent cars from Parking in the Road area and to allow cars to turn around without creating a safety hazard or blocking oncoming traffic.
- 2104.5** Construction materials of the Farm Market Structure shall be of materials that would complement the principal Building.

## *ARTICLE 22 – PLANNED UNIT DEVELOPMENT (PUD)*

### **2200- PURPOSE**

Pursuant to Ohio Revised Code § 519.021 (Township may adopt Planned Unit Development regulations), a Township may establish or modify Planned Unit Development regulations. These regulations may include standards to be used by the Board of Trustees, or if the Board so chooses and designates, by the Township Zoning Commission, in determining whether to approve or disapprove any Planned Unit Development. The regulations shall further the purpose of promoting the general public welfare, encouraging the efficient Use of land resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of this type of development. Within a Planned Unit Development, the Township Zoning Regulations will be uniform and will ensure the maintenance of the public health, safety, and morals. The Planned Unit Developments will be permitted for the purpose of conserving land through a more efficient allocation of private Lots, Single or Multi-Family Dwelling Units, common grounds, non-Residential Uses, public and utility services, and the utilization of new planning techniques for community development and renewal.

### **2201- PROVISIONS REGULATING PLANNED UNIT DEVELOPMENTS**

Because of the unique characteristics of Planned Unit Developments, special provisions regulating the development of land for this Use are required. Whenever there is a conflict between the provisions of this Article and those of other Articles of the Zoning Regulations, the provisions of this Article shall pertain to the development of land for Planned Unit Developments. Subjects not specifically covered by this Article shall be governed by the applicable, respective provisions found elsewhere in the Regulations.

### **2202- USES PERMITTED IN A PLANNED UNIT DEVELOPMENT DISTRICT**

Only those Uses currently authorized in Residential Districts, A, B, or C, or Commercial A will be permitted, provided they do not either adversely affect adjacent properties, or endanger the public health, safety and general welfare.

### **2203- MINIMUM PROJECT AREA**

The minimum gross area of the property to be developed under the Planned Unit Development shall be ten (10) Acres, including Common Open Space, Roadways, sidewalks, and utility area requirements.

### **2204- DEFINITIONS SPECIFIC TO PLANNED UNIT DEVELOPMENTS**

**2204.1 Common Open Space.** A parcel or parcels of land or any area of water, or a combination of land and water within the tract designed and intended for the Use or enjoyment of the occupants of a Planned Unit Development. This space may contain such complimentary Structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants.

**2204.2 Development Plan.** The written and graphic submission for a Planned Unit Development, including a Plat of the subdivision, all covenants relating to Use, location of Buildings and other Structures, Density of the development, Private Streets, Parking spaces, Common Open Space and any public facilities

**2204.3 Landowner.** The legal or beneficial owner or owners of all of the land proposed to be included in a Planned Unit Development; the holder of an option or contract to purchase the land; the lessee or other person having an enforceable proprietary interest in such land

**2204.4 Planned Unit Development.** An area of land where a variety of housing types are accommodated in a pre-planned environment under more flexible standards such as Lot size and Setbacks, than those which normally apply under these Regulations

**2204.5 Professional Consultant.** A person who possesses the knowledge and skills by reason of either education, training, or experience to comprehend and explain the full nature and extent of the project under consideration, including its social, economic, physical, environmental and design characteristics, and the ultimate integration of the Planned Unit Development into the community. This person may be, but is not limited to being, a registered architect, landscape architect, professional engineer, professional surveyor, planner, or the equivalent.

#### **2205- PROJECT OWNERSHIP**

The project land (tract/parcel) may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by either a public or private corporation.

#### **2206- COMMON OPEN SPACE**

Twenty percent (20%) of the land developed in any Planned Unit Development will be reserved as Common Open Space for the recreational facilities for residents or designated users of the land being developed. The Open Space shall be disposed of as required in Section 2207 below.

#### **2207- DISPOSITION OF OPEN SPACE**

The required amount of common space land (see Section 2206) reserved under a Planned Unit Development shall either be held in corporation ownership by owners of the project area for the Use of each owner who purchases property/parcels within the development or shall be retained as Common Open Space for parks, recreation, and other related Uses. Public utilities easements and Right-of-Ways for water courses and similar channels are not identified as Common Open Space unless such land or Right-of-Way is usable as a dedicated bike or walking trail.

#### **2208- MAINTENANCE OF OPEN SPACE(S)**

The responsibility for present and continued, i.e., long term, maintenance of all Open Spaces shall be specified by the developer.

#### **2209- LOTS TO ABUT UPON AN OPEN SPACE**

Every property included in the Planned Unit Development shall be so designed as to abut upon a Common Open Space or similar area.

#### **2210- UTILITY REQUIREMENTS**

Underground utility plans shall be required for all designated Planned Unit Developments. The Trumbull County Subdivision Regulations must be followed. Additional Township requirements may be added when and as appropriate.

#### **2211- MINIMUM LOT SIZE WITHIN THE PLANNED UNIT DEVELOPMENT**

**2211.1** The Lot Area of the Dwelling Unit may not be reduced to less than sixty percent (60%) of the Minimum Lot Area required in the official schedule of the specified District, i.e. Residential A, B, or C regulations except when the attached, clustered, detached or Single Family Dwellings are intended to be conveyed separately. In that case there shall be no

required minimum area except that the Lot shall wholly contain all of the house and all Front, Rear, or Side Yards as shown in the approved plan.

- 2211.2** In no case shall there be more than four (4) individual or clustered housing units per Acre, including Common Open Spaces, for the overall tract.
- 2211.3** As long as they are in accordance with the Zoning District minimum requirements, Lot Widths and Building Setbacks may be varied so as to allow for a variety of structural designs and Building placement throughout the development.
- 2211.4** A clustering of Dwellings is encouraged. In developments where clustering is included as part of the overall plan, there shall be no more than four (4) Townhouse or Condominium units in any contiguous group.

#### **2212- DWELLING UNIT SQUARE FOOTAGE SIZE**

All Dwelling Units will be designed to conform to the square footage requirements of the specified Residential District A, B, or C, in which they are located.

#### **2213- HEIGHT REQUIREMENTS**

All Residential Buildings and Structures shall have a maximum height of thirty-five feet (35').

#### **2214- ROADWAYS**

All Road systems within the Planned Unit Development shall be adequate to assure safe and reasonable traffic circulation and access to Dwelling Units. All Roadways shall meet all applicable subdivision regulations, cross sections, and widths. There shall be a minimum of two (2) ingress/egress accesses to the Planned Unit Development.

#### **2215- APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD) ZONE CHANGE AND ZONING APPROVAL PROCESS**

An applicant may apply for a zone change for a Planned Unit Development District Zone by submitting the application to the Weathersfield Township Zoning Commission. The application for the Planned Unit Development zone change shall contain the following:

- 2215.1** An area map showing the applicant's entire property holding, that portion of said property under consideration for Use as the Planned Unit Development, and all properties, subdivisions, Streets, and easements within two hundred feet (200') of the applicant's property.
- 2215.2** A project site plan including the following information:
  - 2215.2.1** Name, address, and phone number of applicant and whether it is either an individual or company/corporation
  - 2215.2.2** Title of drawings, name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan
  - 2215.2.3** North point, scale, and date
  - 2215.2.4** Boundaries of the property plotted to scale
  - 2215.2.5** A vicinity map at a scale which shows Property Lines, Streets, existing and proposed zoning and other pertinent items which will demonstrate the relationship of the Planned Unit Development to existing schools and other community facilities and services



**2215.2.6** A site plan showing:

- 2215.2.6(a)** The locations, proposed Uses and heights of all Buildings
- 2215.2.6(b)** The location and proposed development of all Open Spaces, including parks, playgrounds, and open reservations
- 2215.2.6(c)** The location of outdoor storage, if any
- 2215.2.6(d)** The location of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences
- 2215.2.6(e)** The Descriptions of method of sewage disposal and location of such facilities
- 2215.2.6(f)** The location and size of all Signs
- 2215.2.6(g)** The location and design of Street lighting
- 2215.2.6(h)** The amount of development area proposed for non-Residential Use, if any

**2215.2.7** Adequacy and arrangement of vehicular traffic access and circulation, including Intersections, Road widths, channelization Structures and traffic controls with a minimum of two (2) ingress/egress Access Roadways

**2215.2.8** Location, arrangement, size and placement of Buildings, lighting, and Signs

**2215.2.9** Arrangement of landscape features

**2215.2.10** Existing natural terrain watercourses

**2215.2.11** Adequacy of storm water and sanitary waste disposal facilities so as to preclude overflow or flooding under normal rainfall conditions

**2215.2.12** Adequacy of Structures and Roadways in areas with moderate to high susceptibility to flooding, ponding, and/or erosion

**2215.2.13** The application shall be considered in accordance with procedures established under the Ohio Revised Code § 519.12.

## **2216- PERIMETER YARDS**

Every Lot abutting the perimeter of the Planned Unit Development shall maintain all yard size requirements of the specific Zoning District in which it is located.

## **2217- BUFFERING AND GREEN AREA REQUIREMENTS**

Buffering and Green Area Planning shall conform to the requirements of Article 17 of these Regulations.

## **2218- PHASING AND CHANGES OF APPROVED DEVELOPMENT PLAN**

Any plan which the developer projects will require more than twenty-four (24) months to complete shall be constructed in phases; the phasing plan must be developed and outlined. In a phased Planned Unit Development, it is recognized that changes to the approved development plan may be required and may be submitted from time to time, as they occur. In order to preserve the flexibilities which are fundamental to a Planned Unit Development, plan changes and adjustments to the phasing program are permitted as follows:

**2218.1** The changed plan must meet the basic objectives and requirements of these Zoning Regulations.

**2218.2** All plan changes will be submitted to the Township Trustees for their prior approval.

**2219- EXPIRATION AND EXTENSION OF APPROVAL PERIOD**

The approval of a development plan for a Residential Planned Unit Development shall be for a period not to exceed twenty-four (24) months so as to allow for the preparation and recording of the required subdivision Plat and the development of the project. If construction of a minimum of five percent (5%) of the total project has not been completed within twenty-four (24) months after approval is granted, the Board of Trustees may initiate hearings to return the zoning of the said Planned Unit Development to that of the original Zoning District. An extension of the time limit or modification of the approved development plan may be approved if the Board of Trustees finds that such an extension or modification does not conflict with the general public safety and is in the best interests of the community.

**2220- VIOLATION**

Violation of the stated Uses for a Residential Planned Unit Development, as approved, shall constitute a violation of these Weathersfield Township Zoning Regulations. Such violations will be reviewed and action taken pursuant to the appropriate provisions of the Ohio Revised Code § 519.24, i.e., actions to prevent violations of Zoning Regulations; special counsel.

## ***ARTICLE 23 - SEXUALLY ORIENTED BUSINESSES***

### **(I) PURPOSE AND INTENT**

(A) In enacting these Regulations, pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code, the Weathersfield Township Board of Trustees makes the following statement of intent and findings:

(1) Adult entertainment establishments require special supervision from the public safety agencies of Weathersfield Township in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of Weathersfield Township.

(2) The Weathersfield Township Board of Trustees finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(3) The concern over sexually transmitted diseases is a legitimate health concern of Weathersfield Township that demands reasonable regulation of adult entertainment establishments by Weathersfield Township in the specified manner, and expanded authority for reasonable regulation of adult entertainment establishments by local governments, in order to protect the health and well-being of the citizens.

(4) Minimal regulations enacted by Weathersfield Township are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(5) There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(6) The Weathersfield Board of Trustees desires to minimize and control these adverse effects by regulating adult entertainment establishments in the specified manner. And by minimizing and controlling these adverse effects, the Weathersfield Board of Trustees seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(7) The Weathersfield Board of Trustees has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of Weathersfield Township and that expanded regulation of adult entertainment establishments is necessary.

(8) It is not the intent of the Weathersfield Board of Trustees in enacting this act to suppress or authorize the suppression of any speech activities protected by the First Amendment,

but to enact content-neutral statutes that address the secondary effects of adult entertainment establishments.

(9) It is not the intent of the Weathersfield Board of Trustees to condone or legitimize the distribution of obscene material, and the Weathersfield Board of Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(B) It is the intent of the Weathersfield Board of Trustees in enacting these Regulations to regulate in the specified manner adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of Weathersfield Township and establish reasonable regulations to prevent the deleterious secondary effects of adult entertainment establishments within Weathersfield Township. The provisions of these Regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the Weathersfield Board of Trustees in enacting these Regulations to restrict or deny, or authorize the restriction or denial of, access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize the denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market. Neither is it the intent nor effect of the Weathersfield Board of Trustees in enacting these Regulations to condone or legitimize the distribution or exhibition of obscene material.

(C) Based on evidence concerning the adverse secondary effects of adult uses on communities presented in hearings and in reports made available to the legislature and subsequently adopted by the Ohio General Assembly as findings under Section 3 of House Bill 23 (and on findings incorporated in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *Township of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *Township of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Young v. American Mini Theatres* (1976), 426 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; *DLS, Inc. v. Township of Chattanooga* (6th Cir. 1997), 107 F.3d 403; *East Brooks Books, Inc. v. Township of Memphis* (6th Cir. 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio 2000), 99 F. Supp.2d 837; *Bamon Corp. v. Township of Dayton* (S.D. Ohio 1990), 730 F. Supp. 90, *aff'd* (6th Cir. 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn. 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. Township of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Deja Vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. Township of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. Township of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. Township of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. Township and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. Township of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241; and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California

(1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence), and subsequent findings in *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291; 729, *Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485; and *Andy's Rest. & Lounge, Inc. v. City of Gary* (7th Cir. 2006), 466 F.3d 550, and the Weathersfield Board of Trustees finds:

(1) Adult entertainment establishments lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

(2) Certain employees of adult entertainment establishments, as defined in these Regulations as adult theaters and cabarets, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation and oral and anal sex, occur at adult entertainment establishments, especially those that provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or seminude dancers constitute or may constitute the offense of "engaging in prostitution" under Section 2907.25 of the Revised Code.

(4) Offering and providing private or semi-private booths or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other adult entertainment establishments for the purpose of engaging in sexual activity within the premises of those adult entertainment establishments.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.

(8) A total of 10,255 AIDS cases had been reported in Ohio as of January 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with (HIV) (4,213) and (AIDS) (3,756) in the state.

(9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) The findings noted in divisions (C)(1) to (14) of this section raise substantial governmental concerns.

(16) Adult entertainment establishments have operational characteristics that require or mandate subject them to reasonable government regulation in order to protect those substantial governmental concerns.

(17) The enactment of these Regulations will promote the general welfare, health, morals, and safety of the citizens of this Township.

## **(II) DEFINITIONS**

(A) As used in these Regulations:

(1) “adult bookstore,” “adult cabaret,” “adult motion picture theater,” “adult video store,” “characterized by,” “nude,” “nudity,” “state of nudity,” “semi-nude,” “state of semi-nudity,” “sexual device,” “sexual device shop,” “sexual encounter center,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in Section 2907.40 of the Revised Code; and

(2) “adult arcade,” “adult entertainment,” “adult entertainment establishment,” “adult novelty store,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “regularly features,” “regularly shown,” and “sexual encounter establishment” have the same meanings as in Section 2907.39 of the Revised Code.

(B) “EMPLOYEE” means any individual on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(C) “IMMEDIATE FAMILY” means a person's spouse residing in the person's household, parents, siblings of the whole or of the half blood, and children, including adopted children.

(D) “LICENSE” means a license to act or operate a sexually oriented business, issued pursuant to these Regulations.

(E) “LICENSEE” means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the sexually oriented business. With respect to an Employee license issued under these Regulations, licensee means an employee as defined by Section (II), sub-section (B) above in whose name a license has been issued authorizing employment at sexually oriented business.

(F) “OPERATE” means to control or hold primary responsibility for the operation of a sexually oriented business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. “Operate” or “Cause to be Operated” shall mean to cause to function or to put or keep in operation.

(G) “OPERATOR” means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(H) “PATRON” means any individual on the premises of a sexually oriented business, except for any of the following:

(1) An operator or an employee of the sexually oriented business;

(2) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;

(3) A public employee or a volunteer firefighter emergency medical services worker acting within the scope of the public employee's or volunteer's duties as a public employee or volunteer's duties as a public employee or volunteer.

(I) "PERSON" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(J) "PREMISES" means the real property on which the sexually oriented business is located and all Appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and Parking lots or Parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(K) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section (II), sub-section (A) of these Regulations, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

(L) "SPECIFIED CRIMINAL ACTIVITY" means any of the following offenses:

(1) Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;

(2) for which:

(a) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or

(b) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.

(3) The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

(M) "TRANSFER OF OWNERSHIP OR CONTROL" of a sexually oriented business shall mean any of the following:

(1) the sale, lease, or sublease of the business;

(2) the transfer of securities which constitute a controlling interest in the business whether by sale, exchange, or similar means; or

(3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.



### **(III) LICENSE REQUIRED**

(A) No person shall operate a sexually oriented business as defined by Section (II), sub-section (K) without a valid sexually oriented business license issued by the Weathersfield Township pursuant to these Regulations.

(B) Any person who violates sub-section (A)(1) above shall be guilty of a Second Degree Misdemeanor for a first offense, and a First Degree Misdemeanor for a second offense.

(C) A violation of sub-section (A)(2) above shall be a ground for the suspension of a sexually oriented business license as provided for in Section (VII) of these Regulations.

### **(IV) APPLICATION FOR LICENSE**

(A) An original or renewal application for a sexually oriented business license shall be submitted to the Weathersfield Township Board of Trustees or its designee on a form provided by the Weathersfield Township Board of Trustees. The Township's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable Weathersfield Township to determine whether the applicant meets the qualifications established in these Regulations.

(B) A nonrefundable filing fee of Two Hundred Fifty Dollars (\$250.00) shall be paid at the time of filing the application.

(C) An application for a sexually oriented business license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty (50) percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed sexually oriented business.

(3) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed sexually oriented business.

(D) An application for a sexually oriented business license must designate one or more individuals who are to be principally responsible for the operation of the proposed sexually oriented business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed sexually oriented business on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under these Regulations, and shall be considered a licensee if a license is granted.

(E) An application for a sexually oriented business license shall be completed according to the instructions on the application form, which shall require the following:

- (1) If the applicant is:
  - (a) an individual, state the legal name and any aliases of such individual; or
  - (b) a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
  - (c) a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
  - (d) a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.
- (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
- (3) State whether any applicant has been convicted of a specified criminal activity as defined in these Regulations, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
- (4) State whether any applicant has had a previous license under these Regulations or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty (50) percent or greater owner of a corporation licensed under these Regulations whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (5) State whether any applicant holds any other licenses under these Regulations or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
- (6) State the location of the proposed sexually oriented business, including a legal description of the property (i.e., permanent parcel number), street address, and telephone number(s), if any.
- (7) State the mailing address and residential address of each applicant and each person signing the application.

(8) Submit a recent photograph of each applicant who is a natural person, taken by the Weathersfield Police Department that clearly shows the applicant's face.

(9) Submit the fingerprints of each applicant who is a natural person, recorded by the Weathersfield Police Department.

(10) For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, legs, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed sexually oriented business.

(11) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(12) Submit proof that each applicant who is a natural person is at least eighteen (18) years old.

(13) Submit a sketch or diagram showing the configuration of the premises of the sexually oriented business. The diagram shall also designate the place at which the adult business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(14) The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Weathersfield Township can determine whether the Resolution's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Resolution's licensing and permitting requirements.

(15) The information gathered pursuant to the above provisions constitute protected private information and are exempt from Ohio's Public Records Act in accordance with the decision of the Sixth Circuit Court of Appeals in *DejaVu of Cincinnati v. Union Township* (6th Cir. 2005), 411 F.3d 777.

## **(V) ISSUANCE OF A LICENSE**

(A) Upon receipt of an application for a sexually oriented business license, the Zoning Inspector or its designee shall promptly request that the Weathersfield Police Department review the information provided in the application concerning the criminal background of the applicant(s) and that the Weathersfield Police Department shall transmit the results of its investigation in writing to the Zoning Inspector within five (5) days of the completion of its investigation.

(B) Within five (5) days of receipt of an application for a sexually oriented business, the Zoning Inspector shall notify the Weathersfield Township Fire Chief and the County Health Department of such application. In making such notification, the Zoning Inspector shall request that the Fire Chief and County

Health Department promptly inspect the premises for which the sexually oriented business license is sought to assess compliance with the regulations under their respective jurisdictions.

(C) The Fire Chief shall provide to the Zoning Inspector a written certification of whether the premises are in compliance with the Weathersfield Township Fire Regulations within ten (10) days of receipt of notice of the application.

(D) The Zoning Inspector shall commence the inspection of the premises for which a sexually oriented business license is sought promptly upon receipt of the application, and shall complete, within ten (10) days after receipt of the application, a written certification of whether the premises are in compliance with the Weathersfield Township Zoning Regulations, the Weathersfield Township Property Maintenance Code, and the provisions of these Regulations related to physical characteristics of the premises, and whether Weathersfield Township has received notice from any state or County agency of the premises being in violation of any applicable state building or property codes.

(E) Within twenty-one (21) days after receipt of a completed sexually oriented business license application, the Zoning Inspector shall approve or deny the issuance of a license. The Zoning Inspector shall approve the issuance of a license to an applicant unless he/she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under eighteen (18) years of age.

(2) An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number in accordance with the provisions of the Privacy Act of 1974, Pub. L. No. 93-579, § 7(a)(1).

(3) An applicant has, within the preceding twelve (12) months, been denied a sexually oriented business license by any jurisdiction or has had a license to operate a sexually oriented business revoked by any jurisdiction.

(4) An applicant has been convicted of a specified criminal activity as defined in these Regulations.

(5) The proposed sexually oriented business would violate or fail to be in compliance with any provisions of these Regulations, any Fire code or regulation, Health code or regulation, or any other applicable statute or regulation.

(6) The application and investigation fee required by these Regulations has not been paid.

(7) An applicant is in violation of or not in compliance with any provision of these Regulations, except as provided in Section (V), sub-section (F) of this section.

(F) A sexually oriented business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed sexually oriented business. All sexually oriented business

licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(G) The Zoning Inspector or its designee shall advise the applicant in writing within three (3) days of the decision of the reasons for any license denial. If Weathersfield Township finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

#### **(VI) EXPIRATION AND RENEWAL OF LICENSE**

(A) Each license issued pursuant to these Regulations shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than twenty-one (21) days before the expiration date. If application is made less than twenty-one (21) days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(B) An application for renewal of a sexually oriented business license shall be submitted to the Zoning Inspector on a form provided by the Zoning Inspector. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to these Regulations. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an initial sexually oriented business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.

(C) The Zoning Inspector shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under these Regulations.

(D) The Zoning Inspector shall advise the applicant in writing within three (3) days of the reason(s) for any denial of a license renewal.

(E) When Weathersfield Township denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if Weathersfield Township finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one year period.

#### **(VII) SUSPENSION**

(A) Weathersfield Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee:

- (1) has violated or is not in compliance with any section of these Regulations; or
- (2) has knowingly allowed an employee to violate or fail to comply with any section of these Regulations.

(B) Weathersfield Township shall suspend a sexually oriented business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or

has prohibited or has interfered with, an inspection of the licensed sexually oriented business premises as authorized by Section (V), sub-sections (B) – (C) of these Regulations or any other reasonable inspection.

(C) The Zoning Board or its designee shall advise the licensee in writing within three (3) days of the reason(s) for any suspension.

### **(VIII) REVOCATION**

(A) Weathersfield Township shall revoke a sexually oriented business license if a cause of suspension under these Regulations occurs and the license has been suspended two times within the preceding twelve (12) months.

(B) Weathersfield Township shall revoke a sexually oriented business license if it determines that:

(1) a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;

(2) the licensee(s) failed to comply with any requirement stated in the license, pursuant to these Regulations, to correct specified deficiencies within 120 days;

(3) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(4) a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;

(5) a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(6) a licensee has knowingly allowed any act of specified sexual activity, as defined in these Regulations, to occur in or on the licensed premises;

(7) a licensee has been convicted of a specified criminal activity, as defined in these Regulations, during the term of the license; or

(8) a licensee is delinquent in payment to the Township, County, or State for any taxes or fees that were assessed or imposed in relation to any business.

(C) The Zoning Inspector shall advise the licensee in writing within three (3) days of the reason(s) for any revocation.

(D) When Weathersfield Township revokes a license pursuant to sub-sections (A) or (B)(3) – (7), the licensee shall not be issued another license for one (1) year from the date the revocation became effective.

(E) When Weathersfield Township revokes a license pursuant to sub-sections (B)(1) or (B)(8) above, the applicant may be granted another license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

## **(IX) APPEAL RIGHTS**

(A) Any denial, suspension, or revocation of a license under these Regulations may be appealed to the Weathersfield Township Board of Trustees by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Weathersfield Township Board of Trustees must hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension, or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension, or revocation of a license and the date of the Weathersfield Township Board of Trustees decision affirming or reversing the denial, suspension, or revocation, the status quo of the license holder or applicant shall be maintained.

(B) In the event that the Weathersfield Township Board of Trustees denies, suspends, or revokes a new or renewal license under these Regulations, or any action taken on an appeal that is provided by these Regulations, the applicant may pursue an appeal to the Trumbull County Court of Common Pleas pursuant to Revised Code Chapter 2506. The failure of the Weathersfield Township Board of Trustees to render a decision on the application within the time prescribed in Section (VII), sub-section (A) above shall be considered an affirmance of the denial, suspension, or revocation of the license and the applicant may pursue an appeal to the Trumbull County Court of Common Pleas pursuant to Revised Code Chapter 2506. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4* (2004), 541 U.S. 774.

(C) Any licensee lawfully operating a sexually oriented business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of these Regulations, so that the status quo of the licensee is maintained during the pendency of an appeal to the Weathersfield Township Board of Trustees of a decision rendered under these Regulations and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.

(D) In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Zoning Board or its designee pursuant to these Regulations. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, Weathersfield Township has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.

(E) If, during the pendency of any appeal pursued under sub-section (B) above, there are additional denials of a renewal license application or suspensions or revocations of that license, Weathersfield Township has the right to consolidate the appeal pursued under Section (XI), sub-section (B) above for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

## **(X) TRANSFER OF LICENSE**

A sexually oriented business license is not transferable from one licensee to another or from one location to another. Any purported transfer of a sexually oriented business license shall automatically and immediately revoke that license.

## **(XI) ADDITIONAL REGULATIONS**

(A) Sexual Activity, Live Entertainment and Performances

(1) No person shall, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(2) Any employee appearing on the premises of a sexually oriented business in a state semi-nudity, as defined by these Regulations, must be on a stage that is at least twenty-four (24) inches from the floor, and at a distance at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

(3) All live entertainment and performances in a sexually oriented business must take place on a stage that is at least twenty-four (24) inches from the floor, and at a distance at least thirty-six (36) inches from all parts of a clearly designated area in which patrons will be present.

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by the operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.<sup>1</sup>

(5) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a nude or semi-nude condition unless the employee, while nude or semi-nude, shall be and remain at least six (6) feet from all patrons.<sup>2</sup>

(6) Employees in a sexually oriented business shall maintain a minimum distance of five (5) feet from areas on the business premises occupied by patrons for a minimum of sixty (60) minutes after the employee appears in a nude or semi-nude condition within view of any patron. This regulation is not intended to prohibit ingress or egress from the premises. It is intended to control illicit sexual contact and reduce the incidents of prostitution occurring in the establishments.<sup>3</sup>

(7) No patron who is not a member of the employee's immediate family shall knowingly touch an employee while that employee is nude or seminude or touch the clothing of any employee while that employee is nude or semi-nude.<sup>4</sup>

(8) No employee who regularly appears nude or seminude on the premises of a sexually oriented business and while nude or seminude, shall knowingly touch a patron who is not

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<sup>1</sup> *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291.

<sup>2</sup> *Sensations, Inc. v. City of Grand Rapids, Michigan Decency Action Council* (6th Cir. 2008), 526 F.3d 291.

<sup>3</sup> *729, Inc. v. Kenton County Fiscal Court* (6th Cir. 2008), 515 F.3d 485.

<sup>4</sup> Pursuant to R.C. 2907.40(C)(1).



a member of the employee's immediate family or another employee who is not a member of the employee's immediate family or the clothing of a patron who is not a member of the employee's immediate family or another employee who is not a member of the employee's immediate family to touch the employee or the clothing of the employee.<sup>5</sup>

(9) A dressing area for performers must be provided, with hot and cold running water and adequate toilet facilities. The dressing area must have direct access to the performance area or stage, with direct access back from the performance area or stage to the dressing area, such that the performer may enter and leave the performance area or stage without entering the area from which patrons view the performance. Access to the performance area, stage, and dressing room must be handicap accessible to the extent required by law.

(10) The provisions of sub-sections (A)(1) – (8) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to employees.

(11) In addition, sub-sections (A)(1) – (8) shall not apply to live performances in which the patron and employee are separated by an impenetrable barrier such as, but not limited to, glass or Plexiglas.

(B) Viewing Rooms. No Licensee shall allow openings of any kind to exist between viewing rooms or booths. All floor coverings in viewing booths shall be nonporous, easily cleanable surfaces, with no rugs or carpeting. All wall surfaces and ceiling surfaces in viewing booths shall be constructed of, or permanently covered by, nonporous, easily cleanable material.

(C) Signs. Each sexually oriented business may have one "wall sign" in compliance with Article 19 of the Zoning Regulations. Any signs or advertisements shall not depict or describe any sexual activities.

(D) Interior Lighting. The interior portion of the premises of a sexually oriented business, to which patrons are permitted access, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place, at an illumination of not less than five (5) foot-candles as measured at the floor level.

(E) Exterior Lighting. Off-Street Parking and other exterior areas shall be lighted beginning one-half hour after sunset and continuing throughout the hours of use. The lighting of the Off-Street Parking area shall be an average of at least one footcandle, initial measurement, and a minimum at any point of at least four-tenths foot-candle, initial measurement. Lighting shall be regularly maintained, including replacement of bulbs and light fixtures, regular cleaning, and replacement of light poles as needed. The light sources shall be indirect, diffused, or shielded type fixtures, installed to reduce glare and the consequent interference with boundary streets and adjacent property. Fixtures shall be attached to buildings or mounted on poles in such a manner and at such a height that light is not directed at a residential use.

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<sup>5</sup> Pursuant to R.C. 2907.40(C)(2).

(F) Displays. No merchandise or pictures of the products or entertainment offered on the premises or any person shall be displayed in window areas or any area where they can be viewed from the sidewalk or street.

(G) Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of a sexually oriented business.

(H) Hours of Operation. No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day, except that a sexually oriented business that holds a liquor permit pursuant to Chapter 4303 of the Revised Code may remain open until the hour specified in that permit if it does not conduct, offer, or allow sexually oriented business activity in which the performers appear nude.<sup>6</sup>

(I) Districts for sexually oriented businesses. Sexually oriented businesses are a Permitted Use only in the Districts zoned Commercial B or Industrial A.

(J) No sexually oriented businesses may be established within one thousand (1000) feet of any religious institution, public park, playground, school, child care facility, boys' Club, girls' Club, or similar youth organization, or public building or the lot line of any property zoned for residential use or used for residential purposes, or within five hundred (500) feet of any other sexually oriented business. The distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each building.

(K) Inspection. An applicant or licensee shall allow the Township Trustees, Township Zoning Inspector, Township Police Chief, Township Fire Chief, the County Building Inspector, representatives of the County Health Department, or any other law enforcement officials, individually or jointly, to inspect the premises of a sexually oriented business at any time it is occupied or open for business, for the purpose of ensuring compliance with these Regulations and any other statutes, laws, rules or regulations of the County, State and Federal government.

## **(XII) SEVERABILITY CLAUSE**

If any section, sub-section, paragraph or clause of these Regulations shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

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<sup>6</sup> Pursuant to R.C. 2907.40(B).