

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Special Meeting

Held on Tuesday, November 14, 2023 at 6:00 PM

Call to order: Steve Gerberry

Pledge: Completed

Prayer: Completed

Roll Call: Steven Gerberry - Present
Edward Whittaker - Present

Richard Harkins - Present
Fred Bobovnyk - Present

Public Hearing:

This is a Public Hearing held pursuant to Ohio Revised Code Section 519.12 for the Board of Trustees to receive public comment before making a decision whether to adopt, deny or adopt with modifications proposed amendments to the Weathersfield Township Zoning Regulation.

On October 11, 2023, the Weathersfield Township Zoning Commission held a public hearing on the proposed amendments, and at the conclusion of the hearing recommended that the Weathersfield Township Board of Trustees approve the attached amendments to the Weathersfield Township Zoning Regulation. Matter underlined is new, to be added; matter ~~struck out~~ is to be deleted.

Admission of Documents:

The Zoning Inspector offers into evidence the following documents:

1. The proposed amendments to the Weathersfield Township Zoning Regulation as approved by the Weathersfield Township Zoning Commission on October 11, 2023.
2. A copy of the Notice of Hearing published in the Tribune Chronicle on October 19, 2023.
3. The Resolution of the Trumbull County Planning Commission regarding the proposed amendments.
4. The Weathersfield Township Comprehensive Plan

Public Comment:

All members of the public who wish to speak will be sworn in and given the opportunity to present testimony and evidence.

23-139 Motion to ***conclude the public hearing.***

Motion by: Rich Harkins

Seconded by: Edward Whittaker

Vote: Steven Gerberry - Yes Richard Harkins - Yes

Edward Whittaker - Yes

Motion Carried

Discussion by the Board of Trustees on the proposed amendments and any modifications.

23-140 Motion to ***adopt with modifications the Amendments to the Weathersfield Township Zoning Regulation recommended by the Weathersfield Township Zoning Commission.***

WHEREAS, on October 11, 2023, the Weathersfield Township Zoning Commission held a public hearing, and at the conclusion of the hearing recommended to the Weathersfield Township Board of Trustees proposed amendments to the Weathersfield Township Zoning Regulations; and

WHEREAS, the Trumbull County Planning Commission has recommended approval of the proposed amendments; and

WHEREAS, on November 14, 2023 at 6:00 PM, a public hearing was held before the Weathersfield Township Board of Trustees on the proposed amendments to the Weathersfield Zoning Regulations;

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NOW THEREFORE, upon consideration of the comments at the public hearing and the proposed amendments, the Weathersfield Township Board of Trustees hereby adopts with modifications the proposed amendments to the Weathersfield Township Zoning Regulations set forth below.

DEFINED TERMS

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.

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.

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.

STRUCTURE

~~A combination of materials~~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 ~~and~~, Roadside Stands, decks, patios, or other paving or hardscape.

ARTICLE 1 - ZONING INSPECTOR, ADMINISTRATION & ENFORCEMENT

102- ZONING CERTIFICATES REQUIRED

102.7 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.

ARTICLE 4 – VARIANCES AND CONDITIONAL USES

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 ~~and are not permitted in any Zoning District;~~ 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; ~~the storage of old tires is prohibited except where it is an integral part in the manufacturing process~~

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, ~~the primary purpose of which is used for~~ the manufacture, disposal, transfer, storage, dumping, processing or treatment of solid wastes, hazardous materials or waste, infectious waste; ~~provided, however, nothing contained herein shall, 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 ~~item 1303.7~~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

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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) ~~defined as “hazardous waste” pursuant to Ohio Revised Code §3734.01 et seq., and amendments thereto and regulations promulgated thereunder 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~~Slaughterhouses on ~~ana commercial or~~ industrial scale. This does not prohibit slaughtering and processing of individual animals for ~~processing~~personal use.

418.11 Solid waste incinerators, including medical waste incinerators.

418.12 Solid Waste Landfills of any type, including, Industrial landfills.

418.13 Solid Waste Transfer Stations are prohibited unless they meet all of the following criteria:

418.13.1 Are fully enclosed and receive garbage behind closed doors;

418.13.2 Process received garbage via compaction, incineration, or similar manner;

418.13.3 Remove all residue by enclosed vehicles;

418.13.4 Control odors by ventilation and filtration systems

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 6 - AGRICULTURAL - SUBURBAN ESTATE RESIDENTIAL DISTRICT - A-SER

603.6 **Front Yard Setback.** The Building Setback at the front shall not be less than seventy-five feet (75’) from the Street ~~or Road~~ Right-of-Way Line, or one hundred feet (100’) from the Street ~~or Road~~ center line, whichever ~~may be~~ is greater. 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~~ Setback of less than the required minimum of seventy-five (75’) feet, the ~~set-back~~ Setback may be determined by a mean distance of the ~~set-back of the buildings or buildings within one hundred fifty feet (150’) on each side of the proposed Building and fronting on the same side of the Street.~~ Setback of such adjacent Buildings. No Building shall be placed closer than thirty feet (30’) ~~to~~ from the ~~front Property~~ Street Right-of-Way 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 ~~with a.~~ 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 ~~or~~ Carpport on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than ~~twenty~~ thirty feet (20’) ~~to~~ 30’) from the ~~side Property~~ Street Right-of-Way Line or closer than ten feet (10’) to the Interior Lot Line.

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

703.6 **Front Yard Setback.** The Building Setback at the front shall not be less than fifty feet (50’) from the Street ~~or Road~~ Right-of-Way Line. However, where there are existing ~~Building or~~ Buildings, other than Accessory Buildings, ~~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 the buildings or buildings within one hundred fifty feet (150’) on~~ of each side of the proposed Building and fronting on the same side of the Street, with a Setback 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~~ from the ~~front Property~~ 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 ~~seven~~ (eight (8)) feet. The minimum total Side Yard is reduced to sixteen feet (16’) if there is an attached

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Garage ~~or~~ Open Porch ~~or~~ Carport on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than twenty feet (20') ~~to~~from the ~~side~~PropertyStreet Right-of-Way Line or closer than ~~seve~~eight feet (7'8') to the Interior Lot Line.

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

804.6 Front Yard Setback. The Building Setback at the front shall not be less than fifty feet (50') from the Street ~~or~~ 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~~Setback of less than the required minimum of fifty (50) feet, the ~~set-back~~Setback may be determined by a mean distance of the set-back of ~~the building or buildings within one hundred fifty feet (150') on each side of the proposed Building and fronting on the same side of the Street, such adjacent Buildings.~~ No Building shall be placed closer than thirty feet (30') to the front ~~PropertyStreet~~ 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 ~~five~~eight feet (5'). ~~The minimum total Side Yard is reduced to twelve feet (12') if there is an attached Garage, Open Porch or Carport on one side of the Dwelling-8').~~ On Corner Lots no Structure shall be placed closer than ~~sixteen~~twenty feet (16') ~~to~~20') from the ~~side~~PropertyStreet Right-of-Way Line or closer than ~~five~~eight feet (5'8') 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 ~~seve~~eight feet (7'8'). The minimum total Side Yard is reduced to eighteen feet (18') if there is an attached Garage ~~or~~ Open Porch ~~or~~ Carport on one side of the Dwelling. On Corner Lots no Structure shall be placed closer than ~~sixteen~~twenty feet (16') ~~to~~20') from the ~~side~~PropertyStreet Right-of-Way Line or closer than ~~five~~eight feet (5'8') to the Interior Lot Line.

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

903.5 Front Yard Setback. The Building Setback at the front shall not be less than fifty feet (50') from the Street ~~or~~ Road ~~Property~~Right-of-Way Line, or one hundred feet (100') from the Street ~~or~~ Road center line, whichever ~~may be~~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 ~~five~~eight feet (5'). ~~The minimum total Side Yard is reduced to twelve feet (12') if there is an attached Garage, Open Porch or Carport on one side of the Dwelling-8').~~ On Corner Lots no Structure shall be placed closer than ~~sixteen~~twenty feet (16') ~~to~~20') from the ~~side~~PropertyStreet Right-of-Way Line or closer than ~~five~~eight feet (5'8') 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 ~~seve~~eight feet (7'). ~~The minimum total Side Yard is reduced to eighteen feet (18') if there is an attached Garage, Open Porch or Carport on one side of the Dwelling-8').~~ On Corner Lots no Structure shall be placed closer than ~~sixteen~~twenty feet (16') ~~to~~20') from the ~~side~~PropertyStreet Right-of-Way Line or closer than ~~five~~eight feet (5'8') to the Interior Lot Line.

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

1103.2 Front Yard. ~~Minimum of The Building Setback at the front shall not be less than fifty feet (50'). In the case of Corner Lots, the Setback) from the side Street PropertyRight-of-Way Line shall be no less than twenty, or one hundred feet (20'). If a service or Delivery Area is located on the side-100') from the Street side, this minimum shall be doubled~~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 ~~five feet (5')-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').

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

1203.2 Front Yard. ~~The Building Setback. Minimum of fifty feet (50'). In at the case of Corner Lots the Setback from the side Street Property Linefront shall not be no less than twentyfifty feet (50') from the Street Right-of-Way Line, or one hundred feet (20'). If a service or Delivery Area is located on the side-100') from the Street side, this minimum shall be doubled. 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 ~~five feet (5')-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').

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

1303- GENERAL REQUIREMENTS

1303.3 Lot Area and Width. Minimum width of one hundred feet (100') and a Minimum Lot Area of not less than ~~twenty thousand (20,000) square feet. However, this shall not prevent the Use of Lots Platted prior to the enactment of this resolution, provided all other General Requirements are met.~~ one acre.

1303.4 Front Yard. ~~Minimum of fifty feet (50'). In the case of a Corner Lot no~~ The Building Setback at the front shall not be placed within twenty less than fifty feet (50') from the Street Right-of-Way Line, or one hundred feet (20') of a side 100') from the Street Property Line, center line, whichever is greater.

1303.5 Side Yard. Total Side Yard of no less than ~~twenty (20)-feet (20')~~ and the width of the narrower of the two (2) Side Yards 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 five feet (5')-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.

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').

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

1403.4 Front Yard. ~~Minimum of fifty feet (50'). In the case of a Corner Lot no~~ The Building Setback at the front shall not be placed within twenty less than fifty feet (20') of a side 50') from the Street Property 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 (20)-feet (20')~~ and the width of the narrower of the two (2) Side Yards narrowest shall be no less than five feet (5')-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 shall be increased to forty-five feet (45').

ARTICLE 15 – EXTERIOR PROPERTY MAINTENANCE

1501- EXTERIOR PROPERTY AREAS

* * *

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 Rear or Side Side Yard, or in the Rear Yard only in conjunction with a Garage that is located in the Rear Yard.

1503- EXTERIOR STRUCTURES

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.

1507- VEHICLES PROHIBITED WITHIN RESIDENTIAL DISTRICTS

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 ~~two (2) axles, 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, and 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.

ARTICLE 16 – SUPPLEMENTARY DISTRICT REGULATIONS

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

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~~be used as a Building, Garage or Accessory Building or incorporated into the construction of a Building, Garage or Accessory Building.~~

~~1608- NUISANCE<RESERVED>~~

~~The following Uses shall be deemed to constitute a nuisance and shall not be permitted in any Zoning District:~~

~~1608.1 Distilling of bones, fat or glue, or glue or gelatin manufacturing~~

~~1608.2 Dumping, storage, burying, reducing, disposing of or burning garbage, refuse, scrap metal, demolition debris, rubbish, offal or dead animals, unless such dumping is done at the approval of or at a place provided or approved by the Township Trustees~~

~~1608.3 Junk Yards, automobile graveyards, or places for the collection or sale of scrap metal, paper, rags or glass, as well as salvage or ink for salvage or storage purposes, except where this Use is an integral part of Industrial Use~~

~~1608.4 Basement Dwellings~~

~~1608.5 Abandoned Structures which are considered unsafe or unsanitary and would present themselves as a danger or hazard to the life, safety, health or welfare of the surrounding residents or community~~

~~1608.6 The Use of a truck for storage~~

1611- ACCESSORY BUILDINGS AND STRUCTURES

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 one hundred forty-four (144) 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 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.

1619- SPECIAL EVENT PERMITS

Any public or private event with an anticipated attendance of more than ~~150~~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

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:

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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.

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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 repairs 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.

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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

1700.2 Buffer and Screening Requirements for Commercial and Industrial Properties.

1700.2.1 Wherever a Commercial ~~or Industrial~~ 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 ~~thirty~~forty foot (30’~~40~~’) wide additional Setback shall be established along the Rear Yard line abutting any Residential District, to limit views and sounds from the Commercial ~~or 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.~~

1703- FENCES

1703.2 General Provisions. Fences, walls, and hedges shall be permitted in front, side, or Rear Yards subject to the following limitations and requirements:

1703.2.3 Location. No fence may be erected closer than two feet (2’) to the Property Line, ~~unless the Property Line is verified by a registered surveyor and both property owners agree in writing upon the placement of a fence on the Property Line.~~

1704-OFF-STREET PARKING AND DRIVEWAYS

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

1704.2.8 All Parking Areas shall be maintained in good condition, free from potholes, vegetation, weeds, obstructions, and hazardous conditions.

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	Three(3) spaces per employee, per largest employee shift <u>One 200 square foot space per person employed at the location at any one time</u> , plus Parking spaces for all vehicular equipment located at the facility

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1704.5 Driveways.

1704.5.1 ~~All Driveways~~A Driveway shall be no closer than ~~five foot (5'~~eight feet (8') to the adjoining Property Line: at any point.

1704.5.2 All Driveways must be entered from approved Frontage on an approved Township ~~Roadway~~ 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 in Residential and Commercial Districts must be asphalt; or concrete. In Industrial Districts, Driveways must be constructed of concrete or asphalt or maintained gravel with a concrete or asphalt apron. Driveways 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 standards:

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

The 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, or to create a side yard parking pad or turn-around area.

* * *

1704.5.9 All Driveways shall be maintained in good condition, free from potholes, vegetation, weeds, obstructions, and hazardous conditions.

Weathersfield Township Zoning Fees

Fence permit: 20' in length or less ~~\$10.00~~ \$20.00
Over 20' in length ~~\$20.00~~ \$50.00

Business signs: Temporary signs (portable) \$20.00
Permanent signs \$50.00
Billboards \$200.00

Demolition or Grading or Filing a Lot without construction: \$100.00

Paving on Commercial or Industrial lot: \$100.00

Deck, Patio or Swimming Pool: \$50.00

Shed in a Residential Zone (maximum 144 square feet): \$30.00 ~~\$20.00~~

Detached Garage and Accessory Buildings:

145-500 square feet ~~\$50.00~~ \$30.00
501- 999 square feet ~~\$75.00~~ \$50.00
1000 - 1999 square feet ~~\$100.00~~ \$70.00 + \$1.00 per sq ft over 1000
2000+ square feet ~~\$150.00~~ plus \$0.10 per square foot over 2000

Residential construction:

\$85.00 per sq ft

\$85.00 x total sq ft of structure = estimated value

(estimated value + \$3000 per bay of garage) x .005 = cost of permit

Commercial construction:

Building costs will be determined from an architect and/or contractor quote estimated value x .005 = cost of permit

Zoning Hearings:

Zone Change: ~~\$750.00~~ \$425.00

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Board of Appeals: ~~\$650.00~~ ~~\$275.00~~

All other zoning permits for anything not listed will be calculated at the rate of Estimated value x .005 = cost of permit. The minimum cost of a permit is \$20.00.

Occupancy Permit: ~~\$50.00~~ ~~\$35.00~~

Transient Vendor: ~~\$50.00~~ ~~\$35.00~~

Special Event Permit: ~~\$75.00~~

Zoning Regulations: ~~\$20.00~~ ~~\$10.00~~per book

Zoning Map (8" X 11"): ~~\$ 1.00 color copy~~ ~~\$20.00~~

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 the required Zoning Certificate will be subject to a late fee of \$50 or up to two (2) times the usual fee.

The Fiscal Officer is directed to file a copy of the amendments to the Weathersfield Township Zoning Regulation with the Trumbull County Recorder.

Motion by: Edward Whittaker Seconded by: Rich Harkins
Vote: Steven Gerberry - Yes Richard Harkins - Yes Edward Whittaker - Yes
Motion Carried

23-141 Motion to *adjourn the meeting*.

Motion by: Rich Harkins Seconded by: Edward Whittaker
Vote: Steven Gerberry - Yes Richard Harkins - Yes Edward Whittaker - Yes
Motion Carried

Fred Bobovnyk, Fiscal Officer

Steven J. Gerberry, Trustee

Richard T. Harkins, Trustee

Edward K. Whittaker, Trustee