



**COITSVILLE**  
TOWNSHIP

**COITSVILLE TOWNSHIP ZONING ORDINANCE  
MAHONING COUNTY, OHIO**

**Approved by the Electorate on November 8, 1955**

**As amended through July 30, 2107**

## **EFFECTIVE DATE**

This amended resolution shall take effect and be in full force and effect from and after the earliest period allowed by law.

Recommended by the Coitsville Township  
Zoning Commission

**DATE: May 8, 2017**

Adopted by the Coitsville Township Trustees

**DATE: June 30, 2017**

Coitsville Township Zoning Resolution

**EFFECTIVE DATE: July 30, 2017**

**ZONING ORDINANCE FOR COITSVILLE TOWNSHIP  
MAHONING COUNTY, OHIO**

COITSVILLE BOARD OF TRUSTEES

**GREG HAREN – CHAIRMAN  
PHYLLIS JOHNSON – VICE CHAIR  
GERALD BACKO – TRUSTEE  
CHRISTEEN PARTIKA – FISCAL OFFICER**

**APPROVED AT GENERAL ELECTION  
NOVEMBER 8, 1955**

**AMENDED**

1958

1987

1998

2000

2008

2017

**COITSVILLE TOWNSHIP ZONING COMMISSION – 2017**

**JOHN S. JUDIN, Chairman**  
**MICHAEL STIPETICH, Vice-Chairman**  
**ROY PALUMBO, Member**  
**STEVE ZAPPIA, Member**  
**JOHN MACABOBBY, Member**

**MICHAEL P. KURILLA, JR., Zoning Inspector**  
**SONJA GILLIAM, Zoning Secretary**

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## SECTION 1

### INTRODUCTION ZONING RESOLUTION FOR COITSVILLE TOWNSHIP MAHONING COUNTY, OHIO

Whereas, the Board of Township Trustees of Coitsville Township, Mahoning County, Ohio, has deemed it necessary to promote the public health, safety, morals, and general welfare for the residents of said Township; and, Whereas, a Zoning Resolution and Official Township Zoning Map for the building and land use within the unincorporated territory of the Township was adopted in November 1955, in accordance with Section 519.10 and related Sections of the OHIO REVISED CODE; and

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

Whereas, said Zoning Commission has recommended the comprehensive revision of the Coitsville Township Zoning Resolution, and have submitted such amendments to the Board of Trustees of Coitsville Township under the authority and in accordance with the provisions of Section 519.12 of the OHIO REVISED CODE on May 8, 2017.

Therefore, the Board of Trustees of Coitsville Township did adopt the amendments to the Zoning Resolution on June 30, 2017, under the authority and in accordance with the provisions of the OHIO REVISED CODE and said amendments became effective on July 30, 2017.

#### **A. PURPOSE**

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

#### **B. GENERAL PROVISIONS**

Whereas, the Trustees of Coitsville Township, County of Mahoning, and State of Ohio, deem it necessary for the promotion of the public health, safety,

comfort, morals, and general welfare, to regulate in said Township, the use, size, and location of yards and other open spaces in relation to buildings, the use of land, and to establish district to accomplish this purpose:

Now, therefore, under the authority provided by Section 519.01 through 519.25 and Section 519.99 of the Ohio Revised Cod, the following regulations are adopted:

**C. NAME**

These Regulations shall be known and may be cited as the “Zoning Resolution of the Township of Coitsville”.

**D. USE DISTRICTS**

The Coitsville Township Board of Trustees accepts and adopts as part of this Resolution, the Zoning Map of Coitsville Township, which shall be drawn to scale and shall clearly define the boundaries of the following districts, which shall be established within this Resolution:

1. “AG”            Agricultural District
2. “R-1”           Residential District
3. “R-2”           Residential District
4. “R-3”           Residential District
5. “B”             Business District
6. “C”             Commercial District
7. “LI”            Light Industrial District
8. “SOBO”        Sexually Oriented Business Overlay District

**E. ZONING DISTRICT MAP**

The district and their boundary lines are indicated upon a map entitled “ZONING MAP OF COITSVILLE TOWNSHIP”, Mahoning County, Ohio, herein after referred to as the “Zoning Map”. Said Zoning Map is incorporated herein by reference and made a part of this Resolution as if fully rewritten herein. The said Zoning Map together with notations, references, and other matters shown thereon, are hereby declared a part of this Resolution.

If any changes are made in district boundaries or other matters portrayed on the Zoning Map, such changes shall be entered on the Zoning Map on the effective date of the amendment.

## **F. INTERPRETATIONS**

Where there is uncertainty as to where the boundaries of any of the districts are shown on the aforesaid map, the following shall apply:

1. There district boundary lines are extended to follow the center line of a street, alley, lot, watercourse, right-of-way, or property lines as they exist at the time of passage of this Resolution, as amended, unless otherwise indicated by dimensions shown on the Zoning Map.
2. Where a district boundary line divides a lot in a single ownership, existing at the time of enactment of this Resolution, 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.
3. An entrance or drive shall not be used for any purpose zoned differently than the property through which it might pass through.
4. Nothing in the following provisions, or in the entire Ordinance, shall prevent the use of any land for the following, providing the yard, area, and height requirements for the district are met; however, a zoning permit shall be issued, and a fee paid where applicable, for all structures incidental to these uses:
  - a. Agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located;
  - b. Governmental and public buildings including public parks, public schools, public libraries, and all buildings and lands used for function of governmental agencies;
  - c. Public Service Facility (Public Utility) – the erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants or other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a governmental agency which furnishes electrical, gas, rail transport, communications and public water and sewage service.

## **G. SEVERABILITY**

Each section of this Resolution is an independent Section and the holding of any Section or part thereof to be unconstitutional, void, or ineffective for any cause shall not affect the validity or constitutionality of any other Section or part thereof.

## SECTION 2

### DEFINITIONS

**ABANDONED MOTOR VEHICLES:** Any motor vehicle or accessory to the same, licensed or unlicensed, without regard to its age or value, which is apparently inoperable, or in such condition that it could not be legally operated, or is in an extensively damaged, dilapidated, or disassembled condition; and any motor vehicle which does not display a current, valid license thereon. For the purposes of this definition, vehicle includes but is not limited to an automobile, truck, jeep, van, trailer, farm equipment, aircraft and off-road vehicles.

**ACCESS DRIVEWAY:** An entrance or exit from a public thoroughfare to any business, business/commercial or industrial complex, or multi-dwelling structure.

**ACCESSORY STRUCTURE OR USE:** A use or structure on the same lot, and of a nature incidental and subordinate to the principal structure or use.

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

**ACRE:** Land area equal to 43,560 square feet, measure on the horizontal plane, and including land occupied by all natural and manmade features of the landscaping.

**AGRICULTURE:** The use of land for cultivation or tillage, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, silviculture, animal and poultry husbandry. It also includes aquaculture, which is the use of land and water-covered land for agricultural purposes, including the growing and harvesting of marine life. The above shall not include the feeding or sheltering of animals, exclusive of domesticated household pets, within one hundred (100) feet of an adjacent residential dwelling.

**AIRPORT:** Any runway, land area or other facility designed or used, whether publicly or privately, by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary building and open spaces.

**AIRCRAFT LANDING FIELD:** Any location on land or water of such size and nature as to permit the landing and taking off of aircraft with safety, and used for that purpose, but not equipped to provide for the shelter, supply or care of aircraft.

**AIR CONDITIONING UNITS:** Any exterior mounted air conditioning equipment necessary to a total cooling or ventilating system, including the mounting or such system, shall be considered a part of the structure.

**ALTERATION, STRUCTURAL:** Any change in the supporting members or rearrangement of the structural parts of a building, including exit facilities. Any addition or an increase of the cubical content of a building. This shall also include any change in use from one district classification to another, or removal of a building from one location to another; and substantial change in the roof or exterior walls.

**ANIMALS, TERMS RELATING TO:**

1. "Exotic animal" means an animal normally found in the wild state, whether indigenous to Coitsville Township, but not including domestic animals or household pets;
2. "Domestic animal" means generally accepted outdoor farm animals including, but not limited to, horses, cows, llamas, emus, sheep, goats, hogs, mink, or fowl;
3. "Household pets" means any animal commonly kept inside a residence, such as a dog or cat.

**AUTOMOBILE GRAVEYARD:** Any place where one (1) or more automobile vehicles (or parts thereof) are kept, which are unlicensed and whose condition is such that they are unable to move under their own power without the necessity of repair in the form of replacement of mechanical parts or motor adjustment and/or rehabilitation, as defined in ORC Section 4737.05.

**AUTOMOBILE SERVICE STATION/GAS STATION:** Any premises used for supplying gasoline and/or oil, propane, or heating fuel at retail, directly to the consumer, including minor accessories and services for automobiles, or any combination thereof.

**AUTOMOBILE WRECKING YARD:** Any use of more than twenty-five (25) square feet of land, building, or structure where two or more vehicles not in running condition are stored, or where the dismantling or wrecking of used motor vehicles, mobile homes, or trailers occurs, or where the storage or sale of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts occurs.

**BASEMENT:** A story, any wall of which, is all or partially below the ground level of the adjoining ground.

**BUFFER ZONE OR BUFFER:** An area adjacent to the property line(s) the purpose of which is to separate, and screen different land used from each other, which is properly landscaped with grass, evergreens, ground cover and other vertical elements such as trees, ferns, fences, or walls.

**BUILDING:** Any structure designed or built for the support, enclosure, housing, shelter, or protection of persons, animals, or possessions.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof, exclusive of chimneys.

**BUILDING SETBACK LINE:** A line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed. Minimum front yard depth is measured from the street front property line/pin as indicated in the district regulations for each zoning district. This foundation line includes enclosed sun porches and enclosed porches, but excludes unenclosed porches and decks.

**BUSINESS SERVICES:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**CAMPING:** A use involving temporary occupancy of tents, trailers, or other structures or vehicles for temporary living or sleeping quarters, typically on a seasonal basis and typically in structures which do not comply with requirements for permanent dwelling units.

**CAMPGROUND:** A lot on which facilities such as drives, graded campsites, restrooms and wash facilities are established for permitting temporary or permanent occupancy in tents, trailers, recreational vehicles, or other temporary or mobile quarters or structures, typically for a fee or other consideration and operated on a seasonal basis or for purposes related to activities or events such as sport, racing, art and craft shows. A tract of land open to the public upon which spaces for trailers or recreational vehicles are provided for a consideration, whether for overnight, by the day, the week, the month, or a longer period.

**CARPORT:** A covered automobile parking space not completely enclosed by walls or doors.

**CEMETERY:** Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

**CENTER LINE OF STREET:** A line midway between and parallel to the two (2) streets or property lines.

**CERTIFICATION OF OCCUPANCY (OCCUPANCY PERMIT):** A required certificate to be obtained from the Zoning Inspector before the occupancy or change of occupancy for any use permitted in Coitsville Township.

**CHILD DAYCARE:**

1. Daycare: Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.
2. The following are child daycare facilities:
3. Daycare Center: Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to the licensee, administrator, or employee and who are on the premises shall be counted;
4. Daycare—Type A: A permanent residence of the administrator in which child daycare is provided for seven (7) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purpose of this definition, any children under six (6) years of age who are related to the licensee, administrator or employee and who are on the premises of the "Type A" home shall be counted. The term "Type A" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence of their home;
5. Daycare—Type B: A permanent residence of the administrator in which child daycare or child daycare services are provided for one (1) to six (6) children

at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the "Type B" home shall be counted. The term "Type B" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose, including but not limited to a parish house. Included in the meaning of the term "church" are the terms "synagogue", "temple", "mosque" and other such places for worship.

**CLUB:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose, primarily for the exclusive use of members and their guests.

**COMMERCIAL ENTERTAINMENT FACILITY:** Any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs, cocktail lounges and similar entertainment activities.

**COMMERCIAL VEHICLE:** Any vehicle utilized in a business or profit-making venture designed to carry materials and/or personnel, such as but not limited to a van, a pickup truck, a stake bodied truck or such similar vehicle used for business purposes.

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan, or any portion thereof, adopted by the Mahoning County Planning Commission and the legislative authority of the Township of Coitsville and the Mahoning County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. The plan establishes the goals, objectives, and policies of the community.

**CONSTRUCTION DOCUMENTS:** All the written, graphic, and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a zoning permit. The construction drawings shall be drawn to an appropriate scale.

**CONDITIONAL USE PERMIT:** A permit issued by the Zoning Inspector upon approval by the Township Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the zoning district.

**CONDITIONAL USE:** A use permitted within a district other than a principally permitted use, required a conditional use permit and approval of the Township Board of Zoning Appeals.

**CONSTRUCTION:** Shall be deemed to commence when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this Resolution.

**CUL-DE-SAC:** An enlarged area of any street intended to be used for the turning of emergency and/or other vehicles. Usually located at the end of a street or at the intersection of two streets.

**CURB CUTS:** The government entity (township, county, or state) that has the responsibility for maintenance of the respective road shall review and approve requests for curb cuts.

**DAY CARE CENTER:** A facility ministering to the needs of persons other than by their children, parents, guardians, custodians, or relatives for any part of the twenty-four-hour day, in a place other than the persons own home, in accordance with ORC Section 5104.01 et seq.

**DEBRIS:** Materials resulting from the alteration, construction, destruction, rehabilitation or repair of any man-made physical structure, including without limitations, houses, buildings, industrial or commercial facilities or roadways.

**DENSITY:** A unit of measurement, the number of dwelling units per acre of land;

1. Gross density – the number of dwelling units per acre of the total land to be developed;
2. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, less streets, roadways, etc.

**DISTRICTS:** A part, zone or geographic area within Coitsville Township within which certain zoning or development regulations apply. See the official Township Zoning Map.

**DRIVEWAY:** A continuous hard surfaced pavement access route that leads from the public thoroughfare to a garage or private parking area.

**DRIVE-THRU FACILITY:** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term “drive-thru” shall also include “drive up” and “drive in”, but shall not include car wash or gasoline station.

**DUMP:** Land used for the disposal, by abandonment, dumping, burial burning or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk discarded machinery, vehicles or parts thereof, or waste materials of any kind.

**DWELLING:** A building or portion of a building designed and used exclusively as living quarters. Excluded from this use are tents, trailers, mobile homes, hotels motels, boarding houses, lodging houses, and/or tourist homes. An attached garage shall be considered a part of a dwelling.

**DWELLING, SINGLE FAMILY:** A building or portion thereof designed for and occupied as a residence exclusively by a single family.

**DWELLING, TWO FAMILY:** A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**DWELLING, MULTI-FAMILY:** A building or portion thereof containing three (3) or more dwelling units on one (1) lot, designed for and occupied as a residence exclusively by families living independent of each other.

**DWELLING UNIT:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space for cooking, bathing, and toilet facilities, all used by only one family or its household employees.

**EFFECTIVE DATE:** The date that this Resolution or any subsequent amendments take effect.

**EASEMENT:** Authorization by a property owner, as expressed and recorded on the property deed, for a use by another for a specific purpose, located on any designated part of the property/lot.

**EXPOSED STORAGE:** A vehicle stored in an exposed manner shall include any motor vehicle stored in a yard area, within plain view or covered, not stored within a garage or building.

**FAMILY:** Any one of the following:

1. A single individual occupying a dwelling unit;
2. Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit;
3. Not more than three (3) unrelated persons occupying a dwelling unit.

**FENCE:** A structure erected in compliance with the zoning regulations to separate two or more areas of land.

1. Decorative fence-a structure not separating areas of land, but erected only to enhance appearance of property.

**FLOOR AREA:** The sum of the gross horizontal areas of the one or several areas of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings or sections of buildings. Floor area, for the purposes of this Resolution, shall not include unfinished basements, elevators, attic spaces, terraces, breezeways, open porches, decks, uncovered steps, and/or garages.

**FRONTAGE:** The line along which the front property line of a lot and the road right-of-way are coincident.

**GARAGE –PRIVATE:** A detached accessory building or portion of a principle building, designed or used for the parking or temporary storage of automobiles, travel trailers, house trailers, snow mobiles, boats, etc., of the occupants of the premises and wherein:

1. Not more than one (1) space is rented for parking to a person not residing on the premises;
2. Not more than one (1) commercial vehicle (not exceeding 11,000 pounds gvw (gross vehicle weight) per dwelling is parked or stored; Repair work is limited to the normal maintenance of vehicles owned by the person or persons residing on the premises.

**GARAGE, PUBLIC:** A principal or accessory building other than a private garage, used for temporary storage of licensed or motor vehicles, and in which no service shall be provided for remuneration.

**GARAGE, REPAIR:** Buildings and premises where the performance of or sale of the following services is permitted: major mechanical and bodywork, straightening of body parts, painting, welding, storage of vehicles not in operating condition.

**GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tire and motor vehicle accessories may be supplied and dispensed at retail. Uses permissible at a fueling station do not include major mechanical and body work, straightening of body parts, painting, welding, and storing of vehicles not in operation condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A fueling station is neither a repair garage nor a body shop.

**GARBAGE:** Combustible and non-combustible waste materials, food garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matters, glass, crockery or dust or other similar materials.

**GOVERNMENT SIGN:** Any temporary or permanent sign erected and maintained by the township, county, state or federal government for traffic direction or for designation of or direction to any school, hospital historical site, public service, property or facility.

**GOVERNMENTAL AND PUBLIC BUILDINGS:** Public parks, public schools, public libraries and all buildings and lands used for the functions or government agencies.

**HEAVY EQUIPMENT:** Equipment used for business purposes, including vehicles such as cranes, backhoes, bulldozer, earth-moving equipment, power shovels and related equipment; and fixed equipment used for business purposes such as a press or other such production machines and related items.

**HOME OCCUPATION:** Any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental, and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**HOSPITAL:** Any building or structure containing beds for patients and devoted to the medical diagnosis, and treatment of human ailments.

**HOTEL:** A building in which lodging, or boarding are provided for five (5) or more guest rooms and offered to the public for compensation. Ingress/egress shall be provided to all rooms through an inside lobby.

**HEATING AND COOLING DEVICES AND APPURTENANCES:** Any equipment necessary for the operation of a heating or cooling system for any building, whether surface or roof top mounted, in any district, including the following:

1. Heat exchanges;
2. Cooling towers of more than three horsepower capacity;
3. Evaporative condensers;
4. Exhaust fans;
5. Air intake fans;
6. Protective fencing around same;
7. Solar heating or cooling screens or devices.

Wall or window mounted room size air conditioners are excluded from the above.

**HOUSE TRAILER/MOBILE HOME:** Any non-self-propelled structure transportable in one or more sections, which was built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**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, infirmed or injured persons who are in need of medical and surgical attention such as hospitals, clinics, and nursing homes.

**JUNK YARD:** An open area where waste, scrap metal, paper, rags, junk, abandoned motor vehicles, or similar materials are bought, sold, exchanged, stored, packed, or handled; including building wrecking yards, such or similar uses taking place entirely within an enclosed building, or for the maintenance or operation of a machinery or automobile graveyard, except for the storage of wrecked or impounded automobiles for a period of fewer than ninety (90) days, exclusively for storage or resale without alteration.

**KENNEL:** Any lot or premises on which domesticated animals, other than those owned by the owner of the principal use, are housed, raised, groomed, bred, boarded, trained, or sold and may offer provisions for minor veterinary treatment.

**LIVING AREA:** The sum of the net areas customarily used as living space. This area shall not include a basement, garage, open porch, deck, or uncovered steps.

**LOADING SPACE:** 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 space is not to be included in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street right-of-way.

**LOGGING:** To cut into logs, slabs or other by products; to cut down trees; to gather timber.

**LOT:** A parcel of land occupied by or which may be occupied by building/s and accessory buildings, including the yards and other open spaced required by this Ordinance or the land shown as a separate lot or parcel on the records of Mahoning County.

1. Lot, depth of: The average horizontal distance between the front and rear lot lines measured generally parallel with the side lot lines;
2. Lot, frontage of: The width measured along the street right-of-way boundary line upon which the lot fronts;
3. Lot, width of: The width measured at right angles to its depth at the building line;
4. Lot lines: A boundary line dividing one lot from another;
5. Corner Lot: A lot front on two (2) streets at their intersections;
6. Lot line, rear: The lot line most distant from the front lot line. A corner lot may not have any rear lot lines depending upon the plot layout.

**LOT AREA:** The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street, the area of the lot lying between such centerline and the established street right-of-way shall not be included as part of the area for the purpose of this Resolution.

**LOT LINES:** The property lines defining the limits of a lot.

**LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**LOT TYPES:** Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. A corner lot is defined as a lot 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 drawn from the foremost points of the side lot lines to the foremost point of the lot meet at interior angle less than 135 degrees;
2. An interior lot is a lot other than a corner lot with only one frontage on a street;
  3. A through lot is a lot other than a corner lot with a frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots;
  4. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**MANUFACTURED HOMES (MODULAR):** A factory built single family structure that is transportable in two (2) or more sections, is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**MANUFACTURING:** The mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or foodstuffs, but not including research and technology uses.

**MINING:** Any mining, quarrying, excavating, processing, storing, separating, clearing or marketing of any natural resources.

**MINI-STORAGE FACILITY:** A structure containing separate, individual, and private storage spaces leased or rented on individual leases.

**MOBILE HOME/HOUSE TRAILER:** SEE definition of House Trailer.

**MOBILE HOME LOT:** The portion of a mobile home park designed for the use or occupancy of one mobile home.

**MOBILE HOME PARK:** A tract of land used for the parking of mobile homes together with the necessary improvements and facilities upon the land.

**MOTOR HOME/RECREATIONAL VEHICLE (RV):** Any self-propelled motor vehicle, readily movable, with a basic purpose of providing temporary housing at various locations.

**NON-CONFORMING BUILDING:** A building or structure or portion thereof, lawfully existing at the time of this Resolution, as amended, which was designed, erected, or structurally altered for use that does not conform to the use regulations of the district in which it is located.

**NON-CONFORMING LOT:** The area or dimension of a lot, lawfully existing at the time of this Resolution, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NON-CONFORMING USE:** A use, whether of land or of a structure, lawfully existing at the time of this Resolution, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NURSING HOME:** A home or facility for the care and treatment of people.

**NURSERY:** Land, buildings, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises, included products used for gardening or landscaping.

**OCCUPANT:** Any person living or sleeping in a building; or having possession of a space within a building.

**OFF PREMISES SIGN:** A sign advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

**ON PREMISES SIGN:** A sign which pertains to the use of the premises on which it is located.

**OPEN PORCH:** A porch open on three 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:** An area open to the sky excluding streets, structures, for habitation and the like. Primarily a green belt formed by combination of natural features such as: wooded area, streams, and/or man-made features which creates better breathing and living area between structures. A protected planning tool used to help, preserve and create a better environment in which to live and work.

**OUTDOOR/YARD SALES AND DISPLAY:** The temporary or periodic use of a yard for exhibiting goods, equipment, vehicles, or other products for sale, rent, or other gain or for the purpose of attracting attention to the availability of such goods, equipment, vehicles or other products for sale, rent or other gain.

**OWNER:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PARK, TO PARK:** The stoppage of any vehicle or motor home with the Intent of permitted any of these to remain standing on a parcel of property for a period less than 72 hour.

**PARKING SPACE:** An area no less than 10' x 20'; designated for the parking of cars and located totally outside of any street right-of-way.

**PARKING LOT:** An off-street, hard surfaced parking area where the principal use of the tract of land or lot is for vehicular parking.

**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.

**PROPERTY LINE:** A boundary line dividing one parcel of land from another.

**PORTABLE SIGN:** A temporary sign designed to be moved easily and not constructed on a permanent foundation.

**QUASI-PUBLIC BUILDING OR USE:** Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

**QUORUM:** A minimum of three (3) members of the Zoning Commission or Board of Zoning Appeals shall be required to constitute a quorum at a meeting to conduct business.

**REAL ESTATE SIGN:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

**RECREATIONAL AREA AND USES:** Buildings and/or lands, other than public buildings and uses, that as a general rule require and utilize considerable areas of land and include but not limited to hunting, fishing, swimming, riding and stable facilities, parks, golf courses, amusement parks, private clubs, stadiums, camp parks and overnight parks for travel trailers, tent trailers, etc.

**RECYCLING CENTER:** A facility for the collection of products such as paper, glass, plastic and metals intended for reprocessing or recycling.

**REFUSE:** Discarded or waste materials such as rubbish and trash, which do not include garage or foodstuffs in any form.

**ROADSIDE STAND (FARM MARKET):** A temporary vehicle or temporary stand without foundation and not to exceed a maximum area of 100 square feet, 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.

**SANITARY LANDFILL:** A disposal site employing a method of disposing of solid waste in accordance with current state and county regulations.

**SERVICE STATION:** Any building, structure, or land used for the retail sale of automobile fuel, oil and accessories.

**SETBACK:** The horizontal distance from the lot line to the building foundation.

**SEXUALLY ORIENTED BUSINESSES:** Businesses which are defined in Section 2907.39 of the Ohio Revised Code—adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult entertainment establishments.

**SIGNS:** All outdoor displays and their structures of any size that are built, fabricated, and used by any person or persons, firm or corporation for the attraction of the public.

**STREET RIGHT-OF-WAY LINES:** A dividing line between a lot, tract, or parcel of land and a contiguous street as indicated by dedication or by deed of record.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor or roof above it. When applying the permissible height of 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 subject to public easements.

**STREET, THOROUGHFARE OR ROAD:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic

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

**SWIMMING POOLS:** A structure containing at least one and a half (1.5) feet of water at any point used for recreational purposes, excluding lakes and ponds.

1. Private: exclusively used for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel; an accessory use;
2. Public: operated with a charge for admission; a primary use.

**TERMS:** The word “shall” is a mandatory requirement. The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied. The word “lot” includes the words plot or parcel.

**TRUSTEES:** The Board of Trustees of Coitsville Township.

**TRAILER:** Any vehicle or structure designed or used as a conveyance on highways and streets drawn by motive power.

**TRANSFER FACILITY:** An area where recyclable materials are temporarily assembled and stored.

**USE:** The purpose for which a building or premises is or may be occupied.

**VARIANCE:** A variance is a modification of the strict terms of the relevant Resolutions where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not a result of the action of the applicant, a literal enforcement of the Resolutions would result in unnecessary and undue hardship or practical difficulty.

**ZONING CERTIFICATE/OCCUPANCY PERMIT:** The permit issued by the Township Zoning Inspector authorizing the purpose for which a building or land is to be used is in conformity with the use permitted in the relevant zoning district, and all other requirements under this Resolution.

**ZONING DISTRICTS:** The Zoning Districts and land uses therein established by the Zoning Resolution of Coitsville Township.

**ZONING MAP:** A Township map delineating zoning districts within the township, originally adopted by the Township Zoning Commission and Board of Township Trustees, and as amended.

## **SECTION 3**

### **ADMINISTRATION AND ENFORCEMENT**

#### **A. ZONING INSPECTOR**

1. The Board of Township Trustees shall appoint a Township Zoning Inspector who shall be responsible for the enforcement of the provisions of this Ordinance. The Township Zoning Inspector, before entering upon duties, shall give bond as specified in Ohio Revised Code Section 519.161.
2. For the purpose of this Resolution, the Zoning Inspector shall have the following duties:
  - a. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation, ordering the action necessary to correct the violation;
  - b. Order discontinuance of illegal uses of land, building or structures;
  - c. Order removal of illegal buildings or structures or illegal additions or alterations;
  - d. Order discontinuance of any illegal work being done;
  - e. Take any other action authorized by this Resolution to insure compliance with or to prevent violations of this Resolution. This may include the issuance of and action on zoning permits and such similar administrative duties as are permissible under the law.
3. The Township Zoning Inspector shall receive a salary as fixed by the Board of Township Trustees.
4. Right of Entry and Inspection. The Zoning Inspector may at any reasonable hour enter any building, structure or premises to perform any duty imposed on the Inspector by this Resolution, provided the permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or owner's agent. If permission is refused or otherwise unobtainable, a search warrant shall be obtained before entry or inspection is made. No person shall refuse to permit lawful entry or inspection, nor shall any person hinder, obstruct, resist, or abuse the Inspector making or attempting to make entry or inspection.

#### **B. ZONING PERMITS**

1. Zoning Permits required.
  - a. No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any use of land or structure be established

- or changed in use without a zoning permit, issued by the Zoning Inspector;
- b. Exemptions: Except as otherwise provided in the Resolution, agricultural uses and structures are exempt from the requirement for a zoning permit. Maintenance and repair of existing structures are exempt from the requirement for a zoning permit, provided they do not change the structure in area, height, setback or other characteristic regulated by this Resolution;
  - c. Zoning Permits shall be issued only in conformity with the provisions of this Resolution, unless the Zoning Inspector receives an order from the Board of Zoning Appeals that directs otherwise, based upon an appeal, conditional use, or variance as provided by this Resolution.
  - d. No zoning permit shall be issued without evidence that the responsible county health authority has approved the proposed sanitary sewage disposal facilities for the use for which the permit is requested;
  - e. No zoning permit shall be granted for any structure which has ingress or egress to a state highway until the owner of such property has secured a permit from the Ohio Department of Transportation, in accordance with regulations adopted by that department.

## 2. Application.

- a. An application for a zoning permit shall be submitted prior to any construction or the establishment of any use for which a zoning permit is required by this Resolution. The application shall be signed by the property owner (and Applicant if other than the owner) attesting to the truth and exactness of all information supplied with the application. At a minimum, the application shall contain the following information:
  - i. Name, address, and phone number of owner (and Applicant if other than the owner);
  - ii. Legal description of the property;
  - iii. Existing use;
  - iv. Proposed use;
  - v. Zoning district classification;
  - vi. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing structure on the lot, if any; the location and dimensions of the proposed structures or alteration; the locations of the property use;
  - vii. Building heights; Number and location of off-street parking spaced or loading berths;
  - viii. Number of dwelling units;

- ix. Such other information as may be necessary to determine conformance with, and provide for the enforcement of the Resolution.
3. Issuance. Within twenty-one (21) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. If the application is denied, the Zoning Inspector shall indicate the reason/s for denial in writing on the application.
4. Expiration. A zoning permit shall expire one (1) year from the date of issuance unless construction has been started. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principle buildings have been completed.
5. Revocation. A zoning permit shall be revoked by the Zoning Inspector if it has been issued in error or has been issued based on materially false information or misrepresentation:
  - a. Construction of the use is not commenced within one year of permit issuance;
  - b. Construction is not completed within two years of issuance and a new certificate, renewal, or extension has not been obtained;
  - c. The work or use is not being conducted in accordance with the approved application and plans;
  - d. The owner or applicant has not complied with a corrective or abatement order from the Zoning Inspector for violation of this Resolution or failed to comply with conditions of this Resolution or the permit issued.
6. No zoning permit shall be issued unless the individual or company requesting same owns or controls an existing parcel of ground or a newly approved sub-divided lot of sufficient size to comply with the requirements of this Resolution.

### **C. ZONING FEES**

1. As provided in a resolution of the Board of Township Trustees, fees, charges, and expenses shall be paid for zoning permits, amendments, appeals, conditional use permits, and other matters pertaining to the administration and enforcement of this Resolution.
  - a) No action shall be taken on any application or appeal until all application fees, charges, expenses have been paid.

#### **D. OCCUPANCY PERMITS**

1. Occupancy permits for any new use or any change in use of buildings or lands shall be issued by the Township Zoning Inspector, with the permit certifying that the building or use complies with the provisions of the Ordinance. An occupancy permit shall be granted or denied within ten (10) days from the date of written application therefore.

#### **E. VIOLATIONS AND PENALTIES**

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500.00 and in addition pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be construed as a separate offense. The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or property to be used in violation of this Ordinance, 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 other appropriate action, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### **F. BOARD OF ZONING APPEALS**

1. Board created:
  - a. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of the Township;
  - b. The Trustees shall also appoint two (2) alternate members to the Board, each for a term of one (1) year. The alternate members shall be

residents of the Township; an alternate member shall take the place of an absent regular member of the Board, and, when attending on behalf of an absent member, may vote on any matter on which the absent member is authorized to vote.

- c. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing;
- d. Vacancies shall be filled by appointment by the Board of Trustees for the unexpired term of the member affected;
- e. The Zoning Board of Appeals shall by majority vote of its members elect a Chairman, Vice-Chairman and Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting, which shall be held during the month of January each year.

## 2. Proceedings.

- a. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution the Board of Appeals may make reasonable rules and regulations governing its procedure and the conduct of its business and may suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the body;
- b. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings shall be open to the public;
- c. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses;
- d. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official action, all of which is public record and be immediately filed in the office of the Board;
- e. The presence of at least three (3) members shall constitute a quorum.

## 3. Duties.

- a. In exercising its duties, the Board may, if such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The majority vote of the members of the Board present at a meeting shall affirm or deny the request. For the purpose of this Resolution, the Board has the following specific responsibilities:

- b. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
  - c. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, and so that the spirit be observed, and substantial justice done;
  - d. To grant conditional use permits as specified in this Resolution, and such additional safeguards as will uphold the intent of this Resolution.
4. Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal
- a. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and the recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance, that the duties of the Board of Trustees in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section of the Ordinance. Under this Ordinance, the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments, or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in this Ordinance. Any appeal from the decision of the Board of Appeals shall be made within thirty (30) days from the date of the Boards decision.
5. Appeals
- a. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed is taken. The fee for the filing of an appeal shall be established by the Board of Township Trustees.
6. Stay of Proceedings.

- a. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Zoning Appeals or by a court of re-cord on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

## 7. Variances.

- a. The Board of Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- b. The Board of Appeals may authorize upon appeal in specific cases such “use variance” from the terms of this Ordinance, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in “unnecessary hardship”;
- c. The Board of Zoning Appeals may authorize in specific cases such “area variance” from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in “practical difficulty”.
  - i. The factors to be considered and weighed by the Board of Zoning Appeals in determining a property owner seeking an area variance has encountered “practical difficulty” in the use of his property includes, but are not limited to the following:
    1. whether the property in question will yield a reasonable return on whether there can be any beneficial use of the property without the variance; whether the variance is substantial;
    2. 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;

3. whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer); whether the property owner purchased the property with knowledge of the zoning restrictions;
  4. whether the property owner's predicament feasibly can be obviated through some method other than a variance;
  5. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
8. Public Hearing by the Board of Zoning Appeals.
- a. The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for an appeal, variance or conditional use. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township, at least ten (10) days before the date of said hearing.
  - b. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal, variance or conditional use. A written notice of such hearing shall also be mailed by the Board of Zoning Appeals by first class mail, at least ten (10) days before the date of said hearing to all parties in interest. The Notice shall contain the same information as required of notice published in the newspaper.
  - c. Within thirty (30) days after the public hearing, the Board of Appeals shall either approve, approve with supplemental conditions or disapprove the request.

## **G. ZONING COMMISSION**

1. Zoning Commission appointed; Rules.
  - a. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the Township of Coitsville;
  - b. The Trustees shall appoint two (2) alternate members to the Commission, each for a term of one (1) year. The alternate members shall be residents of the Township. An alternate member shall take the place of an absent regular member of the Commission, and, when attending on behalf of an absent member, may vote on any matter on which the absent member is authorized to vote;
  - c. Zoning Commission member terms are for five (5) years and so arranged that the term of one member expires each year. Their successors shall be appointed on the expiration of their respective terms to serve a five

- (5) year term. Each member shall serve until his successor is appointed and qualified. Members of the Commission may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant;
- d. The Zoning Commission shall by majority vote of its members elect a Chairman, Vice-Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board, which shall be held during the month of January;
  - e. The Zoning Commission may make reasonable rules and regulations governing its procedure and the conduct of its business and each body may suspend or vary such procedural requirement, if in its judgment it will expedite the functioning of the body.
2. Duties of the Zoning Commission
    - a. initiate proposed amendments (map changes and or text) to the Zoning Ordinance;
    - b. review all proposed amendments to the Ordinance and make recommendations to the Board of Trustees.
  3. Amendments.
    - a. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.
  4. Initiation of Zoning Amendments.
    - a. Amendments to this Ordinance may be initiated in one of the following ways:
      - i. by adoption of a motion by the Zoning Commission;
      - ii. by adoption of a motion by the Board of Township Trustees;
      - iii. by filing an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.
  5. Contents of Application
    - a. Applications for amendments to the Zoning Ordinance shall contain at least the following information:
      - i. name/s, address and phone number of Applicant;
      - ii. proposed amendment to Resolution;
      - iii. present zoning district classification;
      - iv. proposed zoning district classification;

- v. a vicinity map showing property lines and a complete description of the property;
  - vi. filing fee established by the Board of Township Trustees.
- 6. Transmittal to Zoning Commission.
  - a. Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application, said application or resolution shall be transmitted to the Zoning Commission.
- 7. Submission to Mahoning County Planning Commission.
  - a. Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the Planning Commission. The Planning Commission shall recommend the approval or denial, or the approval of some modification thereof of the case and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.
- 8. Public Hearing by Zoning Commission.
  - a. The Zoning Commission shall schedule a public hearing, not less than twenty (20) nor more than forty (40) days after the adoption of such motion, transmittal of such resolution, or the filing of such application. Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to the Board of Township Trustees for further determination.
  - b. If the proposal intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver the notice shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in the newspaper.
- 9. Recommendation by Zoning Commission.

- a. Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment, or it may recommend that the amendment be not granted.
10. Public Hearing by Board of Township Trustees.
  - a. Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation in the Township, at least ten (10) days before the date of said hearing.
11. Action by Board of Township Trustees.
  - b. Within twenty (20) days after the public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof in the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, the majority vote of the Board of Trustees is required.
12. Effect date and Referendum.
  - a. Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.
  - b. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast for the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the votes, it shall take immediate effect.
13. Resubmittal of Zoning Application.
  - a. Before a property may be resubmitted for a change to the same zoning district, there shall be a waiting period of one (1) year from the date of prior application. This time period shall apply to all properties on which a hearing/meeting has been held by either the County Planning Commission, Zoning Commission, or Board of Township Trustees.

## **SECTION 4**

### **ESTABLISHMENT OF DISTRICTS**

For the purpose in the Ordinance, the land area within Coitsville Township is hereby divided into the following classes of districts:

- a) Agricultural AG
- b) Residential R-1
- c) Residential R-2
- d) Residential R-3
- e) Business B
- f) Commercial C
- g) Light Industrial LI
- h) Sexually Oriented Business Overlay SOBO

The boundaries of said districts are defined as shown on a map entitled “Zoning Map of Coitsville Township”, which map is hereby declared to be incorporated as a part of this Ordinance.

## SECTION 5

### CONDITIONAL USES

#### A. CONDITIONAL USE PERMITS

1. The Board of Zoning Appeals as hereinafter created may authorize the issuance of a Conditional Use Permit for any of the following buildings or uses in any district:
  - a. Quasi-public buildings;
  - b. Recreational areas;
  - c. Day school, nursery school, private and commercial school;
  - d. Institutions;
  - e. Homes for the elderly—nursing homes and assisted living facilities;
  - f. Cemeteries, provided that no mausoleum or crematory shall be located less than two hundred (200) feet from an adjacent property and/or street lines, and that any cemetery shall contain a minimum of twenty (20) acres;
  - g. Aircraft landing field and its necessary appurtenances;
  - h. Radio stations, commercial cellular towers, communication towers;
  - i. A parking lot to be used in conjunction with an abutting property or property directly across the street, provided the lot is to be used at no charge, for the parking of motor vehicles of owner, employees, customers, patrons or guest of the person or firm controlling and operating the lot, and any other conditions are required by the Board of Appeals.

#### B. GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

1. The Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following and shall find adequate evidence showing that such use at the proposed location:
  - a. Will be designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - b. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequate service;

- c. Will 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;
- d. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
- e. Will have vehicular approaches to the property which shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
- f. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **C. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

- 1. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards regarding:
  - a. General character, height and use of the structures;
  - b. Provisions of surrounding open space and treatment of the grounds;
  - c. Buffering;
  - d. Street capacity;
  - e. Front, side and rear yard requirements;
  - f. Lighting, noise and odor.
- 2. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Section 3, paragraph

### **D. EXPIRATION OF CONDITIONAL USE PERMIT**

- 1. A conditional Use approval shall be deemed to authorize only one particular conditional use and said approval shall become void, if the use is not implemented within two (2) years from the date of approval by the Board of Appeals.

### **E. PROCEDURE FOR A CONDITIONAL USE PERMIT**

- 1. An application for a Conditional Use Permit shall be made to the Zoning Inspector and submitted to the Board of Appeals. Each application shall be accompanied by a payment of a non-refundable fee. At a minimum, the application shall contain the following information:
  - a. Name, address and phone number of the Applicant;

- b. Legal description of the property;
- c. Description of the proposed conditional use;
- d. A plan of the propose site for the conditional use, showing the location of existing and/or proposed buildings, parking and loading areas; traffic access and traffic circulation; landscaping, service areas, utilities, signs, yards and such other information as the Board may determine if the proposed conditional use meets the intent and requirements of this regulation;
- e. Description of the existing use.

#### **F. PROCEDURE FOR HEARING, NOTICE**

- 1. Upon receipt of the application for a Conditional Use Permit, the Board of Appeals shall hold a public hearing within forty (40) days from the receipt of the application, publish notice in the newspaper, and give written notice to all parties in interest.
- 2. Action by the Board of Zoning Appeals.
  - a. Within thirty (30) days after the public hearing, the Board shall either approve, approve with supplementary conditions, or disapprove the application as presented.
  - b. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval.
  - c. Any person or persons, jointly or severally adverse by the Board of Appeals, may appeal to the Court of Common Pleas of Mahoning County. The Court may affirm, reverse, vacate, or modify the decision complained of in the appeal.
  - d. Such appeal must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

#### **G. DISCONTINUANCE OF CONDITIONAL USE**

- 1. If a Conditional Use is discontinued for a period of more than one (1) year, the permit shall automatically expire.

## SECTION 6

### AGRICULTURAL DISTRICT

The purpose of the Agriculture District is to provide areas for continued agricultural activity in the Township, consistent with the community's agricultural history and traditions, to encourage continuation of agricultural activities in those parts of the Township having characteristics most suitable for such uses, and also to permit transition to low density residential development.

Nothing in the following provisions or in the entire Resolution shall prevent the use of any land for agricultural purposes, or the construction or use of any land for agricultural purposes, or the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located. No zoning permit shall be required for any such building or structure. "Agriculture" shall include agriculture, dairying, farming, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, and other uses.

#### A. PERMITTED BUILDINGS, STRUCTURES, AND USES

1. In an agricultural district, only the following buildings, structures, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations, exclusive of house trailers mobile homes, junkyards, secondhand material yards, and automobile graveyards and disassembly plants, which are strictly prohibited:
  - a. Agriculture and the usual agricultural buildings and uses.
  - b. The growing and selling, either at retail or wholesale, of all type of agricultural produce, livestock, and accessory products produced on the premises and resulting from agriculture.
  - c. Single family dwelling houses and their accessory uses and buildings.
  - d. Government and public buildings;
  - e. Stables and riding stables;
  - f. Home occupations;
  - g. Roadside stands or farms markets. The use of any land for a farm market where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned and operated by the market operator in a normal crop year. The roadside stand operator shall provide for sufficient parking so that customers are not required to park on the road right-of-way and there shall be provisions for customer turn around space.

## **B. CONDITIONALLY PERMITTED USES**

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:
  - a. Churches and comparable buildings for religious worship, instruction and devotion;
  - b. Public parks;
  - c. Cemeteries;
  - d. Boarding kennels;
  - e. Recreational camping areas;
  - f. Golf courses or county clubs, miniature golf courses and driving Ranges;
  - g. Bed and Breakfast establishments;
  - h. All uses specified in Section 5 (A).

## **C. SETBACK LINE**

1. If there are one or more pre-existing single family residential dwellings on adjacent lots within two hundred (200) feet in either direction along the street line from a proposed dwelling or structure, the setback shall match the pre-existing residential dwelling.
2. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a setback of not less than fifty (50) feet from the road right-of-way shall be observed; provided however, that such setback line is a minimum of seventy-five (75) feet from the road centerline whenever the right-of-way is less than fifty (50) feet.

## **D. AREA, FRONTAGE AND LOT WIDTH**

1. A residential lot shall not have an area less than eighty-seven thousand, one hundred twenty (87,120) square feet nor a lot width less than two hundred (200) feet.
2. Nothing in this Ordinance shall prevent the use of a single family residential purpose of a lot platted prior to the time of enactment of this Ordinance, however, the front yard, rear yard, and side yard requirements as stipulated under this section shall be met unless proper application for a variance is approved.

## **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum width of fifty (50) feet; twenty-five (25) feet on each side.
2. In case of a corner lot, any building shall have a minimum setback of fifty (50) feet from the side street side or shall match the set back of the existing dwellings if within two hundred (200) feet.

## **F. REAR YARDS**

1. There shall be a rear yard of not less than fifty (50) feet.

## **G. SINGLE DWELLINGS, SIZE (MINIMUM FLOOR AREA)**

1. No dwelling shall have a livable floor area which totals less than fifteen hundred (1,500) square feet.

## **H. PRIVATE GARAGES AND OTHER OUTBUILDINGS**

1. Setback requirement shall match the minimums of the residential dwellings.

## **I. HEIGHT**

1. Dwellings shall not exceed thirty-five (35) feet in height.

## **J. HEATING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top and comply with the rear yard restrictions.

## **K. PARKING**

1. No parking shall be permitted on the front yard except on the driveway.
2. No trucks more than one (1) ton and no trailers in excess of twenty (20) feet in length shall be parked on the premises.
3. Trailers less than twenty (20) feet in length, self-contained trailer vehicles, pickup trucks with self-contained camper tops, boats and boat trailers, may be parked on the premises but only in the rear yard or side yard.

4. At no time shall any trailers or self-contained motor homes be used as living quarters.
5. A motor home is hereby defined as a self-propelled vehicle which can be used as a second vehicle and is governed by the provisions of these regulations, only if said vehicle is stored on the premises.
6. Boats and campers that are pulled by another vehicle may be parked on the premises on the side or rear yard of the residential dwelling and must meet the required setback.
7. They must be parked on a hard surface.
8. At no time shall boats and campers be parked on a yard.

#### **L. ABANDONMENT OF VEHICLES AND EQUIPMENT**

1. No abandoned, unlicensed, wrecked or dismantled campers, automobiles, trucks, or other miscellaneous materials shall be permitted to remain exposed on the premises.
2. Not exposed means out of sight such as inside a building, not covered by a tarp.

## SECTION 7

### RESIDENTIAL DISTRICT R-1

#### A. PERMITTED BUILDINGS, STRUCTURES AND USES

1. In Residential R-1 Districts, only the following buildings, structures and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
  - a. One (1) single family dwelling, this including modular homes, with an attached private garage and/or one (1) detached private garage, and accessory buildings.
  - b. There is to be a full basement with a minimum of 12 courses concrete masonry unit as required by the Mahoning County Building Inspection Department.
    - i. Total living area, excluding garages, porches, or attachments of at least 1,500 square feet;
    - ii. The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a six-inch minimum eave overhand including appropriate guttering.
    - iii. Structure not permitted in the R-1 District and not exclusive to the following: house trailers, mobile homes, junkyards, secondhand material yards, and disassembly plants which are strictly prohibited.
    - iv. Accessory building: the total first floor area of all accessory buildings shall not exceed 1,000 square feet per acre of land owned and a maximum height of 25 feet from the finished floor.

#### B. CONDITIONALLY PERMITTED USES

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted.
  - a) All uses specified in Section 5 (A).

#### C. SETBACK LINE

1. If there are one or more pre-existing single family residential dwellings on adjacent lots within two hundred (20) feet in either direction along the street line from a proposed dwelling or structure, the setback shall match the pre-existing residential dwelling.
2. Where no pre-existing dwellings are adjacent to a property dwelling or structure, a setback of not less than fifty (50) feet from the road right-of-

way shall be observed; provided, however, that such setback line is a minimum of seventy-five (75) feet from the road centerline whenever the right-of-way is less than fifty (50) feet.

#### **D. AREA AND FRONTAGE**

1. A residential lot shall not have an area less than eighty-seven thousand, one hundred twenty (87,120) square feet nor a lot width less than two hundred (200) feet of frontage.
2. Nothing in this Ordinance shall prevent the use of single family residential purpose of a lot, platted prior to the time of enactment of this Resolution; however, the front yard, rear yard, and side yard requirements as stipulated under this section shall be met unless proper application for a variance is approved.

#### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum total width of fifty (50) feet, twenty-five (25) feet on each side.
2. In case of a corner lot, any building shall have a minimum setback of fifty (50) feet from the side street or shall match the setback of the existing dwelling if within two hundred fifty (250) feet.

#### **F. REAR YARD**

1. There shall be a rear yard of not less than fifty (50) feet.

#### **G. MINIMUM FLOOR AREA**

1. No single-family dwelling shall have a livable floor area which totals less than fifteen hundred (1,500) square feet.

#### **H. PRIVATE GARAGES AND OTHER OUTBUILDINGS**

1. Setback requirements shall match the minimums of the residential dwellings.

#### **I. HEIGHT**

1. The dwelling shall not exceed thirty-five (35) feet in height.

## **J. HEATING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear or side yard and comply with the rear yard restrictions, and provide the minimum of 50 feet from neighboring residents.

## **K. PARKING**

1. No parking shall be permitted on the front yard, except on the drive way. No trucks in excess of one (1) ton and no trailers in excess of twenty (20) feet in length shall be parked on the premises. Trailers less than twenty (20) feet in length, self-contained trailer vehicles, pickup trucks with self-contained camper tops, boats and board trailers may be parked on the premises, but only in the rear yard or side yard. At no time shall any trailers or self-contained motor homes be
  2. used as living quarters.
  3. A motor home is hereby defined as a self-propelled vehicle, which can be used as a second vehicle and is governed by the provisions of these regulations, only if said vehicle is stored on the premises.
  4. Boats and campers that are pulled by another vehicle may be parked on the premises in the side or rear yard of the residential dwelling and must meet the required setback. They must be parked on a hard surface. At no time shall boats and campers be parked on a yard.

## **L. ABANDONMENT OF VEHICLES AND EQUIPMENT**

1. No abandoned, unlicensed, wrecked, or dismantled automobiles, trucks, trailers, farm equipment, aircraft, boats or other miscellaneous items and materials shall be permitted to remain exposed on the premises in any district.

## SECTION 8

### RESIDENTIAL DISTRICT R-2

#### A. PERMITTED BUILDINGS, STRUCTURES AND USES

1. In Residential R-2 Districts, only the following buildings, structures, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
  - a. Only one (1) single family dwelling or one (1) two-family dwelling with an attached private garage and/or one (1) detached private garage, and accessory buildings, exclusive of trailers or house trailers. Two (2) detached garages may be construct with a two-family dwelling or duplex.
  - b. There will be a full basement with a minimum of 12 courses of cement block.
  - c. Structures not permitted in the R-2 District and not exclusive to the following are house trailers, mobile homes, junkyards, second-hand material yards, automobile graveyards, and disassembly plants, which are strictly prohibited.

#### B. CONDITIONALLY PERMITTED USES

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:
  - a) All uses specified in Section 5 (A).

#### C. SETBACK LINE

1. If there are one or more pre-existing dwellings on adjacent lots within two hundred fifty (250) feet in either direction along the street line from a proposed dwelling or structure, the setback shall match the pre-existing residential dwelling.
2. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a setback of not less than fifty (50) feet from the road right-of-way shall be observed; provided however, that such setback line is a minimum of seventy-five (75) feet from the road centerline whenever the right-of-way is less than fifty (50) feet.

#### **D. AREA AND FRONTAGE**

1. A lot shall not have an area less than one hundred eight thousand, nine hundred (108,900) square feet nor lot width less than two hundred feet.
2. Nothing in this Ordinance shall prevent the use of single family residential purpose of a lot, platted prior to the time of enactment of this Ordinance; however, the front yard, rear yard, and side yard requirements as stipulated under this section shall be met unless proper application for variance is approved.

#### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum total width of fifty (50) feet, twenty-five (25) feet on each side.
2. In case of a corner lot, any building shall have a minimum setback of fifty (50) feet from the side street or shall match the setback of the existing dwellings if within two hundred fifty (250) feet.

#### **F. REAR YARD**

1. There shall be a rear yard of not less than fifty (50) feet.

#### **G. MINIMUM FLOOR AREA**

1. No single-family dwelling shall have a livable floor area which totals less than fifteen hundred (1,500) square feet.
2. No two-family dwelling unit shall have a livable ground area which totals less than:
  - a. 2,400 square feet for one story plan;
  - b. 1,200 square feet per floor for two (2) story plan;
  - c. 1,800 square feet ground floor of a story and a half plan.

#### **H. PRIVATE GARAGES AND PARKING AREAS**

1. For garages, carports and parking lots, a space shall be provided on the same lot with the dwelling to park at least two and one half (2 ½) cars for each dwelling in the rear yard.
2. Each parking space shall be at least two hundred (200) square feet in area, and paved with asphalt or concrete. Setback requirements shall match the minimums of the residential dwellings.

## **I. HEIGHT**

1. The dwelling shall not exceed thirty-five (35) feet in height.

## **J. HEATING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top, and comply with the rear yard restrictions.

## **K. PARKING**

1. parking shall be permitted on the front yard except on the driveway.
2. No trucks in excess of one (1) ton and no trailers in excess of twenty (20) feet in length shall be parked on the premises.
3. Trailers less than twenty (20) feet in length, self-contained trailer vehicles, pickup trucks with self-contained camper tops, boats and boat trailers may be parked on the premises, but only in the rear yard.
4. At no time shall any trailers or self-contained motor homes be used as living quarters.
5. A motor home is hereby defined as a self-propelled vehicle, which can be used as a second vehicle and is governed by the provisions of these regulations, only if said vehicle is stored on the premises.
6. Boats and campers that are pulled by another vehicle may be parked on the premises in the rear yard of the dwelling and must meet the required setback. They must be parked on a hard surface.
7. At no time shall boats and campers be parked on a yard.

## **L. ABANDONMENT OF VEHICLES AND EQUIPMENT**

1. No abandoned, unlicensed, wrecked, or dismantled automobiles, trucks, trailers, farm equipment, aircraft, boats or other miscellaneous items and materials shall be permitted to remain exposed on the premises in any district.

## **M. DUMPSTER**

1. Dumpsters shall be located in the rear yard, within a three (3) sided enclosed structure, located on a hard surface, in accordance with the rear and side yard restrictions.

## **N. BUFFERS**

1. A thirty (30) foot buffer zone shall be required the entire length of the property line against and abutting property that is used as agricultural and R-1. SEE buffer zone in Definitions.

## SECTION 9

### RESIDENTIAL DISTRICT R-3

#### A. PERMITTED BUILDINGS, STRUCTURES AND USES

1. In Residential R-3 Districts, only the following buildings, structures, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
  - a. One (1) single family dwelling, this including modular homes, with an attached private garage and/or one (1) detached private garage, and accessory buildings.
  - b. One two (2) family (duplex) unit for not more than two (2) families and multiple family dwelling units for not more than six (6) families on a platted lot containing less than 5 acres.
  - c. Multiple family dwellings without limit as to the number of dwelling units within a unified development plan on a property with a land area of no less than five (5) acres, provided:
    - i. the height of the structure shall not exceed three (3) stories or thirty-five (35) feet;
    - ii. the coverage of the land area, exclusive of garages and accessory buildings, shall not exceed ten percent (10%);
    - iii. the density of dwelling units shall not exceed fourteen (14) units per acre.

#### B. CONDITIONALLY PERMITTED USES

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following may be permitted:
  - a) All uses specified in Section 5 (A).

#### C. SETBACK LINE

1. If there are one or more pre-existing dwellings on adjacent lots with in two hundred fifty (250) feet in either direction along the street line from a proposed dwelling or structure, the setback shall match the pre-existing residential dwelling.
2. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a setback of not less than fifty (50) feet from the road right-of-way shall be observed; provided however, that such setback line is a

minimum of seventy-five (75) feet from the road centerline whenever the right-of-way is less than fifty (50) feet.

#### **D. AREA AND FRONTAGE**

1. A lot shall not have an area of less than one hundred eight thousand nine hundred (108,900) square feet nor a lot width less than two hundred fifty (250) feet for a single family or two-family (duplex) dwelling.
2. For a three (3) or four (4) family unit dwelling, a lot shall not have an area less than one hundred nineteen thousand, seven hundred ninety (119,790) square feet nor a lot width less than two hundred seventy (275) feet of frontage.
3. For a five (5) or six (6) family unit dwelling, a lot shall not have an area less than one hundred thirty thousand, six hundred eighty (130,680) square feet nor a lot width less than three hundred (300) feet.
4. Nothing in this Ordinance shall prevent the use of a single family, two-family, or multi-family residential purpose of a lot, platted prior to the time of enactment of this Ordinance; however, the front yard, rear yard, and side yard measurements as stipulated under this section shall be met unless proper application for a variance is approved.

#### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum total width of fifty (50) feet; twenty-five (25) feet on each side.

#### **F. REAR YARDS**

1. There shall be a rear yard of not less than fifty (50) feet.

#### **G. MINIMUM FLOOR AREA**

1. No single-family dwelling shall have a livable floor area which totals less than fifteen hundred (1,500) square feet.
2. No duplex or multi-family dwelling units shall have a livable ground area which totals less than twelve hundred (1,200) square feet per unit.

#### **H. PRIVATE GARAGES AND PARKING AREAS**

1. For garages, carports, and parking lots, a space shall be provided on the same lot with the dwelling unit to park at least two and one half (2 ½) cars

for each dwelling in the rear yard. Setback requirements shall match the minimums of the residential dwelling units.

#### **I. HEIGHT**

1. All dwelling units shall not exceed thirty-five (35) feet in height.

#### **J. HEATING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top and comply with the rear yard restrictions.

#### **K. PARKING**

1. No parking shall be permitted in the front yard except on the driveway.
2. No trucks in excess of one (1) ton and no trailers in excess of twenty (20) feet in length shall be parked on the premises.
3. Trailers less than twenty (20) feet in length, self-contained trailer vehicles, pickup trucks with self-contained camper top, boats and boat trailers may be parked on the premises but only in the rear yard. At no time shall any trailers or self-contained motor homes be used as living quarters.
4. A motor home is hereby defined as a self-propelled vehicle, which can be used as a second vehicle and is governed by the provisions of these regulations only if said vehicle is stored on the premises.
5. Boats and campers that are pulled by another vehicle may be parked on the premises in the rear yard of the dwelling unit and must meet the required setback. They must be parked on a hard surface. At no time shall boats and campers be parked on a yard.

#### **L. ABANDONMENT OF VEHICLES AND EQUIPMENT**

1. No abandoned, unlicensed, wrecked, dismantled automobiles, trucks, trailers, farm equipment, aircraft, boats or other miscellaneous items and materials shall be permitted to remain exposed on the premises.

## **M. DUMPSTERS**

1. Dumpster shall be located in the rear yard, within a three (3) sided enclosed structure, located on a hard surface, in accordance with rear and side yard restrictions.

## **N. BUFFERS**

1. A thirty (30) foot buffer zone shall be required the entire length of the property line against and abutting property that is used as agricultural, R-1, R-2.
2. SEE buffer zone in Definitions.

## **SECTION 10**

### **BUSINESS DISTRICT**

#### **A. PERMITTED BUILDINGS, STRUCTURES AND USES**

1. In Business Districts, only the following buildings, structures, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
2. Administrative offices primarily engaged in general administrative, supervision, purchasing, accounting and other management functions. Business offices carrying on no retail trade with the general public and having no stock or goods for sale to customers, such as but not limited to, medical facilities, laboratories, legal services, engineers/architects, accounting, and funeral homes.

#### **B. CONDITIONALLY PERMITTED USES**

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses are permitted:
  - a. Office of veterinarians, animal hospitals, clinics;
  - b. Beauty shops, barber and styling shops;
  - c. Research, development and light testing laboratories;
  - d. All uses specified in Section 5 (A).

#### **C. SETBACK LINE**

1. Front yard: No building, exclusive of open porches, steps and over-hanging eaves, shall extend nearer to the front property line than fifty (50) feet. However, where there are existing buildings with a setback less than the required minimum of fifty (50) feet, the setback may be determined by the mean distance of setback of the buildings, fronting on the same side of the street, within one hundred fifty (150) feet of such proposed building site. In the case of a corner lot, a building or part thereof may be placed within fifteen (15) feet of the side property line, providing there are no deliveries and/or loading areas on this side. The side yard requirement shall be doubled if delivery and/or loading areas are provided on the side street of the building.
2. Where no pre-existing businesses are adjacent to a proposed business, a setback of not less than fifty (50) feet from the road right-of way shall be observed; provided however, that such setback line is a minimum of

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

#### **D. AREA AND FRONTAGE**

1. A business lot shall not have an area less than eighty-seven thousand one hundred twenty (87,120) square feet nor a lot width less than two hundred (200) feet.

#### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum total width of fifty (50) feet, twenty-five (25) feet on each side.
2. In the case of a corner lot, any building shall have a minimum set back of fifty (50) feet from the side street or shall match the setback of the existing building if within two hundred (200) feet.

#### **F. REAR YARDS**

1. There shall be a rear yard of not less than fifty (50) feet.

#### **G. MINIMUM FLOOR AREA**

1. No ground floor area of a business building shall exceed ten percent (10%) of the land area.

#### **H. GARAGES AND PARKING AREAS**

1. For garages and parking lots, the area for one parking space shall be provided for each one hundred (100) square feet of the building interior. Each parking space shall be at least two hundred (200) square feet. No driveway shall be installed or constructed within five (5) feet of any side or rear property line.

#### **I. HEIGHT**

1. The business structure shall not exceed thirty-five (35) feet in height.

#### **J. HEARING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top and comply with the rear yard restrictions.

#### **K. PARKING**

1. Customer and employee parking shall be permitted on designed hard surface parking areas, outside of the front, side and rear yard setbacks.

#### **L. ABANDONMENT OF VEHICLES AND EQUIPMENT**

1. No abandoned, unlicensed, wrecked, or dismantled automobiles, trucks, trailers, farm equipment, aircraft, boats, or other miscellaneous items and materials shall be permitted to remain exposed on the premises.

#### **M. DUMPSTERS**

1. Dumpsters shall be located in the rear yard, within a three (3) sided enclosed structure, located on a hard surface, in accordance with rear and side yard restrictions.

#### **N. BUFFERS**

1. A thirty (30) foot buffer zone shall be required the entire length of the property line against abutting property that is used as agricultural, R-1, R-2, R-3.
2. SEE buffer zone in Definitions.

#### **O. SITE DRAINAGE**

1. On site surface drainage or detention areas and calculations must be presented to the Township Zoning Office as part of a business site development plan, for review by the Mahoning County Engineers Office and Mahoning County Soil and Water Conservation District.

#### **P. LIGHTING**

1. Lighting of the business parcel shall not constitute a nuisance nor impair the safe movement of traffic on any street or highway. The focus of all lighting shall be downward, directed towards the business parcel.

## SECTION 11

### COMMERCIAL DISTRICT

#### A. PERMITTED BUILDINGS, STRUCTURES AND USES

1. In Commercial Districts, only the following buildings, structure, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
  - a. Retail stores, shops, restaurants, clubs, entertainment facilities, hotels, motels, theaters, garages, and all other buildings, structures, and uses customarily and ordinarily located in commercial districts.

#### B. CONDITIONALLY PERMITTED USES

1. After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:
  - a. Car Wash Establishments;
  - b. Boarding Kennels;
  - c. Community Shopping Center, Plazas, or Malls (where the composite building area is larger than 300,000 square feet—the composite building area shall be defined as the lot area developed with business floor space, parking lot areas, traffic accesses, retention/ detention areas, buffer areas, and loading/delivery space areas;
  - d. Bar-an establishment providing on-premises consumption of liquor and alcoholic beverages;
  - e. Auto body/auto trim shops;
  - f. Game room/amusement center;
  - g. Used car lot;
  - h. Automobile dealership;
  - i. Gasoline service station;
  - j. Nurseries and garden centers;
  - k. All uses specified in Section 5 (A).

#### C. PROHIBITED USES

1. Without limiting the foregoing, the following are specifically prohibited:
  - a. Any process of manufacturing, including fabrication, converting, assembly or treatment and machine and welding shops;
  - b. Slaughtering poultry and animals, rendering lard or other fats and meat smoking, whether or not the same is incidental to a retail business;

- c. Junk yards, secondhand material yards, disassembly plants, and automobile graveyards;
- d. Commercial warehouses, lumber and coal yards, building material storage yards, loading and transfer stations and truck terminals;
- e. Storage of explosive, and storage of crude oil or any part of its volatile products or other highly inflammable liquids in above ground tanks, except in accordance with state regulations thereto;
- f. Stone or monument works;
- g. All buildings, structures, and uses prohibited in the Industrial District;
- h. Abandoned, wrecked, dismantled automobiles, trucks, trailers, farm equipment, aircraft, furniture, or other miscellaneous materials;
- i. Strip mining;
- j. No trailer shall be used for a business or retail use;
- k. No cargo trailer, shipping container, or metal trailer, mounted no axles or devoid of axles, shall be used for storage purposes; and shall not be stored on a business parcel;
- l. Transportation semi-tractor trailers shall not be used for purposes of storage of goods, products or merchandise; and shall not be stored on a business parcel.

#### **D. SETBACK LINE**

1. Front yard: No building, exclusive of open porches, steps, and over hanging eaves, shall extend nearer to the front property line than fifty (50) feet. However, where there is an existing building or buildings with a setback less than the required minimum of fifty (50) feet, the setback may be determined by the same distance of setback of the building or buildings fronting on the same side of the street within one hundred and fifty (150) feet of such proposed building site.
2. In the case of a corner lot, a building or part thereof may be placed within fifteen (15) feet of the side property line, providing there is no delivery and/or loading areas on this site.
3. The side yard requirement shall be doubled if delivery and/or loading areas are provided on the side street of the building. Where no pre-existing business are adjacent to a proposed business, a setback of not less than fifty (50) feet from the road right-of-way shall be observed; provided however, that such setback line is a minimum of seventy-five (75) feet from the road center line whenever the right-of-way is less than fifty (50) feet.

#### **D. AREA AND FRONTAGE**

1. For a commercial lot, the lot shall not have an area less than eighty-seven thousand, one hundred twenty (87,120) square feet nor a lot width less than two hundred (200) feet.

#### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum total width of fifty (50) feet, twenty-five (25) feet on each side.
2. In case of a corner lot, any building shall have a minimum setback of fifty (50) feet from the side street or shall match the setback of an existing building if within two hundred (200) feet.

#### **F. REAR YARDS**

1. There shall be a rear yard of not less than fifty (50) feet.

#### **G. MINIMUM FLOOR AREA**

1. No ground floor area of a commercial building shall exceed ten percent (10%) of the land area.

#### **H. GARAGES AND PARKING AREAS**

1. For garages and parking lots, the area for one parking space shall be provided for each one hundred (100) square feet of building interior.
2. Each parking space shall be at least two hundred (200) square feet in area.
3. No driveway shall be installed or constructed within five (5) feet of any side or rear property line.

#### **I. HEIGHT**

1. A commercial structure shall not exceed thirty-five (35) feet in height.

#### **K. HEATING AND AIRCONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top, and comply with the rear yard restrictions.

## **L. PARKING**

1. Customer and employee parking shall be permitted on designated hard surface parking areas, outside of the front, side and rear yard setbacks.

## **M. DUMPSTERS**

1. Dumpsters shall be located in the rear yard, within a three (3) sided enclosed structure, located on a hard surface, in accordance with rear and side yard restrictions.

## **N. BUFFERS**

1. A thirty (30) foot buffer zone shall be required the entire length of the property line against abutting property that is used as agricultural, R-1, R-2, R-3 and Business. SEE buffer zone in Definitions.

## **O. SITE DRAINAGE**

1. On site drainage or detention areas and calculations must be presented to the Township Zoning Office as part of a commercial development site plan for review by the Mahoning County Engineers Office and Mahoning County Soil and Water Conservation District.

## **P. LIGHTING**

1. Lighting of the commercial parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway. All focus of all lighting shall be downward, directed towards the commercial parcel.

## SECTION 12

### LIGHT INDUSTRIAL DISTRICT

#### A. PERMITTED BUILDINGS, STRUCTURES AND USES

1. In Light Industrial Districts, only the following buildings, structures, and uses shall be permitted after obtaining a valid zoning permit in accordance with the provisions of these regulations:
  - a. All permitted and conditionally permitted uses in the Commercial District.
  - b. Storage and wholesale establishments primarily engaged in transporting, storing, handling or selling merchandise to retailers, industrial or professional users; general construction; manufacturing; fabricating; processing.
  - c. Wholesale process establishments engaged in food processing and kindred products or printed matters;
  - d. Research and testing laboratories.

#### B. PROHIBITED USES

1. Without limiting the foregoing, the following are specifically prohibited:
  - a. Any process of assembly, manufacture or treatment which produces an offensive or obnoxious smoke, odor, dust or noise, including but not limited to such things as: the manufacture or refining of asphalt blast furnaces, the manufacturing of yeast, cork, fertilizer, linoleum or oil cloth and glue or gelatin; the tanning of hides and skins, abattoir and slaughter houses; and the manufacture of paint, oil and varnish.
  - b. Any process of assembly, manufacture or treatment constituting a hazardous use, including but not limited to such things as the manufacture or bulk storage of fireworks and explosives; and the manufacture of illuminating and other explosive or poisonous gases, except as may be incidental to a permitted industrial process.
  - c. The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks, except in accordance with state regulations in respect thereto, and provided further that all above-ground tanks having a capacity of ten thousand gallons or more shall be properly diked with dikes having a capacity equal to one and one half (1 ½) times the capacity of the tank or tanks surrounded.
  - d. Junk yards and automobile graveyards.

- e. The storage of secondhand material for resale; the storage, bailing or treatment of junk, iron, rags, bottles or scrap paper, except within a building.
- f. Strip mining.
- g. No trailer shall be used for a business, retail or industrial use.

### **C. SETBACK LINE**

1. In the front yard, no building, exclusive of open porches, steps, and overhanging eaves, shall extend nearer to the front property line than fifty (50) feet.
2. However, where there is existing building or buildings with a setback less than the required minimum of fifty (50) feet, the setback may be determined by the same distance of setback of the building or buildings on the same side of the street with in one hundred fifty (150) feet of such proposed building site.
3. In the case of a corner lot, a building or part thereof may be placed within fifteen (15) feet of the side property line, providing there are no delivery and/or loading areas on this side.
4. The side yard requirement shall be doubled if delivery and/or loading areas are provided on the side street of the building.
5. Where no pre-existing industrial or business buildings are adjacent to a proposed industrial structure, a setback of not less than fifty (50) feet from the road right-of-way shall be observed; provided however, that such setback line is a minimum of seventy-five (75) feet from the road centerline whenever the right-of-way is less than fifty (50) feet.

### **D. AREA AND FRONTAGE**

1. For an industrial lot, the lot shall not have an area less than eighty-seven thousand, one hundred twenty (87,120) square feet nor a lot width of less than two hundred (200) feet.

### **E. SIDE YARDS**

1. There shall be two (2) side yards with a minimum width of fifty (50) feet, twenty-five (25) feet on each side.
2. In the case of a corner lot, any building shall have a minimum setback of fifty (50) feet from the side street or shall match the setback of the existing building if within two hundred (200) feet.

## **F. REAR YARDS**

1. There shall be a rear yard of not less than fifty (50) feet.

## **G. MINIMUM FLOOR AREA**

1. No ground floor area of an industrial building shall exceed twenty five percent (25%) of the land area.

## **H. OFF-STREET PARKING AREAS**

1. 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 one time at such location, together with parking spaces for all vehicular equipment to use at said location. No parking shall be permitted to extend beyond the property lines onto a right-of-way.

## **I. HEIGHT**

1. An industrial structure shall not exceed thirty-five (35) feet in height.

## **J. HEATING AND AIR CONDITIONING (HVAC) UNITS**

1. Any exterior mounted air conditioning equipment necessary for a total cooling or ventilation system, including the mounting for such system, shall be considered part of the structure and must be placed in the rear yard or roof top, and comply with the rear yard restrictions.

## **K. DUMPSTERS**

1. Dumpsters shall be located in the rear yard, within a three-sided enclosed structure, located on a hard surface, in accordance with rear and side yard restrictions.

## **L. BUFFERS**

1. A thirty (30) foot buffer zone shall be required the entire length of the property line against abutting property that is used for agricultural, R-1, R-2, R-3, business, and commercial districts. SEE buffer zone in Definitions.

## **M. SITE DRAINAGE**

1. On-site surface drainage retention or detention areas and calculations/plans must be presented to the Township Zoning Office as part of an industrial site development plan for review by the Office of the Mahoning County Engineer and Mahoning County Soil and Water Conservation District.

## **N. LIGHTING**

1. Lighting of an industrial parcel shall not constitute a nuisance nor impair safe movement of traffic on any street or highway.
2. All focus of all lighting shall be downward, directed towards the industrial parcel.

## SECTION 13

### NON-CONFORMING BUILDINGS AND USES

**INTENT:** Within the districts established by this Ordinance or by amendments that may later be adopted, there exists uses which were lawful before this Ordinance or amendments were passed, but which would be prohibited under the terms of this Ordinance, they shall be known as non-conformities. It is the intent of this Ordinance to permit non-conformities to continue until they are removed, but not to encourage their survival. The use of any building or land at the time of the enactment of these regulations may be continued, although such use does not conform to the provisions of the Ordinance for the district which such non-conforming use is located, subject, however, to the following provisions:

#### A. CONTINUANCE OF NON-CONFORMING USES

1. A non-conforming building, structure, or use existing at the time this Resolution takes effect may be altered or enlarged as to extend such use or structure not to exceed an additional twenty percent (20%) in square foot area, upon application to and determination of the Board of Zoning Appeals. A non-conforming use may be altered to decrease its non-conformity.
2. If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Zoning Board of Appeals shall find the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
3. A non-conforming building or use may not be altered, rebuilt or resumed except in conformity with the regulations for the district in which it is located if:
  - a. It has once been changed to a conforming use;
  - b. Subsequent to the enactment of this Ordinance, it has been discontinued for a period of two (2) years or more, which shall be deemed an abandonment of the non-conforming use;
  - c. It has been destroyed by fire, explosion or other cause, to the extent of seventy-five percent (75%) or more of either its value or bulk.
    - i. However, if a non-conforming building or use is destroyed by fire, explosion or other cause to the extent of less than seventy-five percent (75%) of either its value or bulk, it may be rebuilt and reoccupied as a non-conforming building or use, only if reconstructed

with the same or less cubical content and upon basically the same plan as that of the original structure.

4. If a non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
5. All non-conforming uses shall register with the Zoning Office and shall secure an annual Occupancy Permit for continuation of the use.

## SECTION 14

### SUPPLEMENTARY DISTRICT REGULATIONS

**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.

#### A. TRAILERS AND HOUSE TRAILERS

1. No individual trailers, mobile homes, or vehicles designed for mobile living shall be occupied for dwelling purposes.
2. EXCEPTION: A temporary Occupancy Permit may be issued for a maximum period of three (3) months by the Zoning Inspector to allow the occupancy of a mobile home on property where the dwelling has been damaged by fire or similar disaster, and is being repaired for occupancy.
3. Trailer camps or parks shall not be permitted in the Township.

#### B. HEAVY EQUIPMENT

1. None of the following shall be permitted to be parked or stored in a residential district:
  - a. equipment used for business purposes, including vehicles such as cranes, backhoes, 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.

#### C. MAILBOX SUPPORTS

1. All mailbox units, attachments, decals, supports and installation thereof are to be in strict accordance with United States Postal Regulations and in compliance with the following specifications and standard drawings:
  - a. The mailbox unit shall be constructed entirely of plastic and/or lightweight galvanized steel attached to the support unit with sufficient strength to prevent the box from separating from the post top if struck by a vehicle.
  - b. The support structure (post) shall be either a wooden post (no larger than 4" x 4" square or 4 ½" diameter) or a metal post with a strength no greater than a 2" diameter standard strength steel pipe (with a weight not in excess of 2.6 lbs. per foot).
  - c. No support structure shall be embedded more than 24" into the ground.
  - d. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device than extends no more than 10" below the ground surface.

- e. Mailbox supports shall not be set in concrete.
2. The unit shall be placed at an offset edge of the pavement so that the roadside face of the mailbox is no closer than 3 ft. from the edge of the traveled lane.
3. When a mailbox is installed in the vicinity of existing guardrail, it shall be placed behind the guardrail unless otherwise approved by the County Engineer, by permit.
4. Multiple mailbox units of more than two (2) boxes shall be mounted on one support. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.
5. Mailboxes placed two feet behind curbs on subdivision streets within 25 mph speed limits are exempt from previously stated requirements.

#### **D. DAMAGED AND VACANT STRUCTURES**

1. Any or all homes, barns, sheds, trailers and campers or outbuildings of any kind that have been partially or fully destroyed by fire, natural disaster, vandalism, lack of maintenance or other damaging weather conditions and have been deemed damaged beyond repair, must be leveled to the ground, cleared and backfilled with clean fill within six (6) months. This includes any building that has been condemned by the Mahoning County Building Inspection Department.

#### **E. OIL AND GAS WELLS**

1. Oil and gas wells must comply with all federal, state, and county regulations.

#### **F. HAZARDOUS WASTE**

1. Manufacturing, assembling, dumping, storage or treatment of any hazardous or toxic waste or of any nuclear product or the processing of any materials which are volatile, corrosive, reactive or hazardous to the environment or a public health nuisance shall not be permitted in any zoning district in the Township.

#### **G. SATELLITE DISHES AND ANTENNAS**

1. Satellite dishes and antennas which are 30" in diameter shall fall under the heading of accessory structures and all applicable building resolutions shall apply.

2. Portable and fixed antennas shall be treated equally.
3. Satellite dishes and antennas shall be placed within the allowable building area.
  - a. The maximum height of a ground mounted satellite dish or antenna shall be thirty-five (35) feet above the existing ground level, but said height shall not be greater than the distance to the nearest lot line.
4. Antennas thirty (30) inches in diameter and smaller may be placed on a tower but shall not be elevated more than two hundred (200) feet from existing ground level. The maximum height of a roof mounted satellite dish and antenna shall be fifteen (15) feet above.
5. Windmills shall meet setbacks from the end of the property for the length of the mill and an additional 25 feet. It will be inspected and stamped by a certified engineer for approval on foundation and plans.

## **H. EXOTIC ANIMALS**

1. Animals classified as exotic and are a danger to the health, safety, and welfare of the citizenry are strictly prohibited in the Township.
2. Exotic animals include, but and not limited to, lions, tigers, bears and poisonous reptiles.

## **I. PRIVATE SWIMMING POOLS**

1. Private swimming pools, exclusive of portable above ground pools with an excavation of two (2) feet or less, shall be subject to the following regulations:
  - a. The pool area shall meet all side and rear yard setback restrictions of the respective residential district.
  - b. All in ground pools shall be entirely enclosed with a safety fence no less than four (4) feet nor more than six (6) feet in height.
    - i. Such fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.
    - ii. All such fence doors/gates shall be equipped with self-closing and self-locking devices or any other type latch or lock device that a young child cannot open from outside the fence.
2. Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions, including, but not limited to, removing all ladders and other forms of access to pools when not in use.
3. Above ground pools that are surrounded in whole or part by decks or other structures shall have gates that are equipped with locks or other such

devices that a young child cannot open from outside the gate and which serve to adequately protect children from entry to the pool.

## **J. FENCES**

1. After obtaining a valid zoning permit in accordance with the provisions of these regulations, fences may be permitted in all zoning districts, with the following restrictions:
  - a. The finished surface shall in all cases be the outside, with all posts, braces, etc., to the inside. It shall be the responsibility of the property owner erecting the fence to provide for maintenance of the outside surface.
  - b. The front yard height limit shall not exceed three (3) feet in height in any residential district. In the case of a corner lot, no fence in excess of three (3) feet may extend nearer to the side street than the side yard requirement for the dwelling.
  - c. The side and rear yard height limit shall not exceed six (6) feet in any agricultural, residential or business district.
  - d. In any commercial or industrial district, not abutting a residential district, an additional 2 feet may be added to the six-foot height maximum requirement.
  - e. No fence shall be permitted between the front building line and front property line in any business or commercial district.
  - f. Fences in residential districts for the purpose of containing horses, livestock, goats, sheep, etc., shall have a front setback line to the front of the dwelling.
  - g. Side and rear yard setbacks shall be twenty-five (25) feet from the property line.
  - h. If no dwelling exists on a vacant lot, then on the lot of the front of the adjacent dwelling.

## **K. HEIGHT EXCEPTIONS**

1. Nothing in this Ordinance shall be interpreted to limit or restrict the height of a church spire, radio or wireless tower, belfry, clock tower, silo, flag pole, monument, smokestack, water tower, or similar structure.

## **L. TEMPORARY BUILDINGS**

1. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only, may be permitted in any district during the period construction work is in progress, but such

temporary facilities shall be removed upon completion of the construction work.

#### **M. PARKING AND STORAGE OF CERTAIN VEHICLES AND STORAGE OF FURNITURE AND MISCELLANEOUS ITEMS**

1. No abandoned, wrecked, unused, or dismantled automobile, truck, jeep, van, recreational vehicle (motor home), trailer, farm equipment, or aircraft shall be permitted to be stored in an exposed manner in any yard area in any district.
  - a. None of the following shall be permitted to be discarded, deposited or stored in any exposed manner in any yard area, or on any open porch, in any district: garbage, trash, waste, rubbish, ashes, cans, bags, boxes, pallets, automobile or truck parts, chassis, quarter panels, tires, tire rims, appliances, furniture, glass, scrap metal, barrels, plastic, or anything else of an unsightly or unsanitary nature.
2. No motor vehicle shall be parked or stored in the grass/lawn of any yard area (front, side or rear), and must be parked or stored on a hard surface or gravel driveway in any residential or business district.
3. An unused motor vehicle shall not be advertised "for sale" and placed on property located in a Residence R-1, R-2, R-3 or business district for a period longer than fourteen (14) days.

#### **N. HOME OCCUPATIONS**

1. Home occupations, as an accessory use, shall be permitted in agricultural and residential districts, under the following conditions and requirements:
  - a. The accessory use shall be such as the office or studio of a physician surgeon, dentist, musician, lawyer, architect, teacher, real estate agent, insurance agent, hairdresser or seamstress.
  - b. The use shall be conducted solely by a person residing on the premises.
  - c. Shall be a personal service with no sale of merchandise and there shall be no change in the appearance of the structure and/or property which would alter or detract from the residential atmosphere of the neighborhood.
  - d. Shall be conducted wholly within the dwelling and not occupy a floor area greater than one-half the area of the first floor living area of the dwelling.
  - e. If the accessory use involves teaching or instructions, it is restricted to private instructions; classes not permitted;

- f. There shall be no commercial display visible from the street except a small professional name plate or announcement sign having a maximum area of two (2) square feet.
- g. Off-street parking shall be provided for all vehicles.

#### **O. CAUSAL SALES (GARAGE SALES) IN AGRICULTURAL/RESIDENTIAL DISTRICTS**

- 1. The sale of specific or miscellaneous goods or materials on a lawn, driveway, or within an attached or detached private garage shall be deemed a casual sale. On any property zoned as an agricultural or residential district, such sales are limited to a maximum of four (4) three (3) day sales within any calendar year.
- 2. Signs advertising such a sale shall be restricted and placed on the subject agricultural or residential property only. Such signs shall not exceed four (4) square feet. Signs shall not be placed on the public right-of-way or on utility poles.

#### **P. AGRICULTURAL USES IN SUBDIVISIONS**

- 1. In a platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of the dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the agricultural use of such land will be regulated as follows:
  - a. Except for growing of crops, plants and vegetation for personal use and or consumption of the property resident/s, and the keeping and harboring of domestic household pets of the resident/s boarded inside of the residence dwelling, and not raised or bred for sale; the use of the property for agriculture is prohibited in a residential district on lots of one (1) acre or less.
  - b. On lots greater than one (1) acre but not greater than five (5) acres in size, buildings or structures incidental to the use of the land for agricultural purposes shall be subject to all setback, building lines, height restrictions and size restrictions of the use districts in which the agricultural use is located.
  - c. Dairying and animal and poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres in size when at least thirty-five percent (35%) of the lots in the subdivision are

- developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufacture homes under Section 4503.06 of the Ohio Revised Code.
- d. After thirty-five percent (35%) of the lots are so developed, any preexisting dairying and animal and poultry husbandry use shall be considered a non-conforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.

## SECTION 15

### EROSION AND SEDIMENT CONTROL

#### A. PURPOSE AND INTENT

1. The purpose of these regulations is to establish technically feasible and reasonable standards to achieve a level of water management and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the public health and safety.
2. These regulations are intended to:
  - a. allow development while minimizing increase in downstream flooding, erosion, and sedimentation;
  - b. reduce water quality impacts to receive water resources and wetlands that may be caused by development or redevelopment activities.
  - c. These regulations apply to all of the permitted and conditional buildings, structures, and uses set forth in every zoning district in this zoning Resolution, except as otherwise provided herein.

#### B. WORDS AND TERMS DEFINED

For the purpose of these regulations, the terms used herein shall have the meaning as set forth in the most recently adopted version of the Mahoning County Erosion and Sediment Control Rules as detailed in the Mahoning County Drainage and Erosion and Sediment Control Manual. Said terms are adopted and made a part of these regulations as though fully rewritten herein.

#### C. REQUIREMENTS AND APPLICATIONS PROCEDURES

Two (2) sets of an Erosion and Sediment Control (ESC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional building, structures, and uses or off-street parking, loading/unloading areas allowed by this Resolution or alterations thereto.

1. ESC Plans are not required for any principal permitted, accessory or conditional building, structures, or uses or off-street parking, loading/unloading areas allowed by this Resolution or any addition or alteration thereto disturbing less than one (1) acres of land area.
2. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most

recent version of the Mahoning County Erosion and Sediment Control Rules.

3. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan.
4. In a situation of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.
  - a. The Zoning Inspector or designee shall review the ESC Plans submitted under this Resolution and approve for compliance or return for revisions with comments and recommendations for revisions within twenty-one (21) working days after receipt of the Plan.
  - b. The zoning inspector shall advise that the ESC Plan may be forwarded to the Mahoning County Engineer's Office and Mahoning SWCD for technical assistance and review.
  - c. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Mahoning County Erosion and Sediment Control Rules.
  - d. At the time the Zoning Inspector receives a revised Plan, another twenty-one (21) day review period shall begin.
5. Soil disturbing activities shall not begin, and zoning certificates or conditional zoning certificates shall not be issued without an ESC Plan approved by the zoning inspector in accordance with these Regulations.
6. Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations.
  - a. In making a determination regarding such resubmission, the Zoning Inspector may consult with the Mahoning County Engineer's Office and/or Mahoning SWCD.
  - b. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

#### **D. COMPLIANCE WITH STATE AND FEDERAL REGULATIONS**

1. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state and/or county agencies. Such permits and/or approvals shall be obtained before the zoning certificate or conditional zoning certificate is issued.

2. If requirements vary, the most restrictive requirement shall prevail.
3. Soil disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the owner. These permits may include, but are not limited to, the following:
  - a. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity of the most current version thereof.
  - b. Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDES Permit is not applicable;
  - c. Section 401 of the Clean Water Act. Proof of compliance shall be a copy of the Ohio Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.
  - d. Wetland and other waters of the United States shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time of application of this regulation.
  - e. Ohio EPA Isolated Wetlands Permit. Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of that state. Such a letter shall be noted on site plans submitted to the zoning inspection, isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations;
  - f. Section 404 of the Clean Water Act. Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, , if an Individual Permit is required for the development project public notice, or project approval.
  - g. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program.
  - h. This shall include one of the following:
    - i. a letter from the lot owner verifying that a qualified professional has surveyed the site and found no water of the United States.
    - ii. Such a letter shall be noted on site plans submitted to the zoning Inspector;
    - iii. a site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit.

- iv. Wetlands and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.
- v. Ohio Dam Safety Law. Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application,
- vi. a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

## SECTION 16

### SEXUALLY ORIENTED BUSINESS OVERLAY DISTRICT

#### A. PURPOSE

The purpose of the Sexually Oriented Business Overlay District is to allow for the location of licensed sexually oriented business, as defined in Ohio Revised Code Section 2907.39 in designated areas and in accordance with the promotion of the health, safety, morals, and general welfare of the citizens of Coitsville Township, and to regulate such businesses to prevent the deleterious secondary effects of adult entertainment establishments within Coitsville Township.

#### B. LOCATION

1. Sexually Oriented Business Overlay District shall only be permitted in a Commercial or Industrial District.

#### C. STANDARDS

1. Any use, including buildings and related parking areas, regulated under this Section shall be located a minimum of 2,000 feet away from any residential district, residentially used property, retirement home nursing home, hospital, religious place of worship, educational facilities, parks, day care facilities, or public libraries.
  - a. Such distance shall be measured as a straight line, without regard to intervening structures or objects, from its nearest portion of the building or related area used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of another use listed above.
2. Any use, including buildings and related parking areas, regulated under this Section shall be located a minimum of 2,000 feet from any other business regulated under this Section.
  - a. Such distance shall be measured as a straight line, without regard to intervening structures or objects, from the closest extension wall of the structure in which each business is located.
3. Front setbacks, building height limits, lot size for uses regulated under this Section shall be the same as those for the Commercial or Industrial District in this Ordinance.
4. Only one business regulated under this Section shall be permitted on an individual lot or parcel.

#### **D. SIGNAGE**

1. One sign shall be permitted per business regulated under this Section. The sign may be a wall sign or free-standing sign (pole or monument).
2. The sign face shall be limited to 32 square feet.

#### **E. PARKING**

1. Parking requirements shall be provided as stipulated in the Commercial or Industrial District regulations.
2. No off-site parking shall be permitted.

#### **F. RELATIONSHIP OF THE OVERLAY DISTRICT**

1. Where the property is classified in this overlay district as well as a general use district, then the regulations governing in the overlay district shall apply in addition to the regulations covering development in the underlying district.
2. In the event of an express conflict between the standards set forth in the underlying district and the standards set forth in the overlay district, the standards set forth in the overlay district shall control.

## SECTION 17

### SIGNS

#### A. PURPOSE

The purpose of the following sign regulations is to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the Township and promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types by:

1. encouraging the effective use of signs as a means of communication in Coitsville Township;
2. encouraging the use of high quality, effective outdoor graphics for the purpose of navigation, information, and identification;
3. providing businesses in the Township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community;
4. providing the public with safe and effective means of locating businesses, services, and points of interest within the Township and to provide a safe vehicular traffic environment;
5. eliminating, to the maximum extent feasible, clutter and to improve corridor and visibility and safety;
6. minimizing the possible adverse effect of signs on nearby public and private property;
7. ensuring the protection of the public's first amendment rights.

#### B. APPLICABILITY AND LIMITATIONS

1. The regulations contained within this Section shall apply to all signs and to all zoning districts.
2. Unless otherwise provided by this Section, all signs shall require a zoning permit. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs.
3. The Townships authority and regulation of signs is restricted or limited by certain provisions of the Ohio Revised Code, generally described below:
  - a. Signs erected and maintained pursuant to and in the discharge of any governmental function, or required by law, ordinance or governmental regulation are exempt from these regulations;

- b. Signs proposed to be located along interstate and primary highways shall conform to regulations adopted under Chapter 5516 of the ORC, in addition to the Coitsville Township Zoning Resolution;
- c. In accordance with Sections 519.02 to 519.25 of the Ohio Revised Code, outdoor advertising (off-premise) signs are classified as a business use and are permitted in any district zoned for industry, business, or trade or lands used for agricultural purposes; however, zoning permits shall be required in accordance with the Coitsville Township Zoning Resolution.

### **C. EXCEPTIONS**

1. In all districts the following types of permitted signs do not require a zoning permit, and shall not be located in any right-of-way:
  - a. Private Traffic Directional Signs – signs intended to direct traffic movements on a property, and which shall not exceed fifteen (15) square feet in size, five (5) feet in width and five (5) feet in height, from the ground to the bottom of the sign;
  - b. Home Occupation Signs – home occupation, professional signs announcing only the name and occupation of a building tenant, to be no larger than four (4) square feet and placed a minimum of ten (10) feet from the street right-of-way;
  - c. Wall Signs – signs which are painted or affixed to an exterior wall of a building and no part of which sign projects more than fifteen (15) inches and which identifies the business, commodity, service or entertainment which is offered, sold, or conducted on the premises;
  - d. Temporary Signs – as permitted and defined in this Resolution;
2. Signs posted on private property relating to private parking, no dumping, or warning the public against trespassing or danger from animals or other elements.
3. No private warning or notice sign shall exceed fifteen (15) square feet.

### **D. TEMPORARY SIGNS**

1. The following temporary signs shall be permitted in all districts. These signs are not intended to be permanently attached or secured to either a building, structure, or to the ground, and shall be temporary, portable and free-standing:
  - a. Construction Signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement or any product, and signs announcing the character of the building enterprise or the purpose for which the

- building is intended, during the construction period, to a maximum area of thirty-two (32) square feet for each firm.
- b. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the occupancy of the premises.
  - c. Institutional Signs – Churches, schools, civic organizations, and non-profit organizations may use temporary signs to promote special events held within Coitsville Township. Display of these signs shall be restricted to ten (10) days prior to the scheduled event and permission of the property owner must be granted prior to the placement of the signage.
  - d. Real Estate Signs advertising the sale, rental or lease of the premises on which the signs are displayed, up to a total area of thirty-two (32) square feet.
    - i. Said signs must be removed within seven (7) days of sale, rental or lease of the premises.
    - ii. Two (2) off-premise real estate signs may be permitted per property, which is advertised for an open house, for a period no longer than twenty-four (24) hours.
  - e. Roadside Stand Signs – Only one (1) sign not more than thirty-two (32) square feet in area in conjunction with a roadside stand/farm market use is permitted to be displayed on agricultural or residential property, used to advertise seasonal agricultural sales. Such signs shall be removed at the conclusion of the seasonal sales.
  - f. Auction Signs –A maximum of three (3) auction signs not more than sixteen (16) square feet in size per auction shall be permitted for up to thirty (30) days prior to the auction. Two (2) of said signs may be located off premise and all shall be removed within seven (7) days of the auction.

## **E. MEASUREMENT OF SIGN AREA**

- 1. The sign area shall be computed to include the entire area enclosed by one rectangle or geometric form, the side of which make contact with the extreme points or edges of the sign. Frames and structural members not being advertising matter shall not be included in the computation of the sign area. Where a double face sign is displayed, only one side shall be used in the computation of the sign area.

## **F. GENERAL REQUIREMENTS**

- 1. The following requirements shall be applicable to all signs in all districts:

A free standing, permanent sign advertising a product or service shall be permitted only on the premises where such product or service is sold or available;

- a. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall contain flashing, intermittent, rotating, or moving light or lights, with the exception of an Electronic Message Center/Digital sign.
- b. This does not apply to any sign performing a public service function indicating time, temperature, or similar service;
- c. No illuminated sign or lighting device shall be placed or directed so as to permit the beams and illumination to be direct upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
- d. No signs shall extend over a sidewalk or other public way or placed as to constitute a traffic or safety hazard;
- e. No sign shall be placed on the roof of any building, except those signs which appear to be a continuation of the face of a building or a mansard roof, so long as the sign does not extend above the upper edge of the mansard roof line;
- f. No portable or temporary sign shall be placed on the front or face of a building or any premises, except as provided by these regulations;
- g. No signs shall be attached to trees, telephone poles, street sign poles, or street light poles;
- h. Motor vehicles, trucks, or trailers which are parked or located for the primary purpose of displaying a sign are prohibited;
- i. An abandoned sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises.
- j. Said sign shall be removed within ninety (90) days from the date the business closes
- k. For the purposes of this paragraph, a sign shall be defined to include both the sign face (cabinet) and the poles and supports.

## **G. BUSINESS-INDUSTRIAL SIGNS**

1. In addition to the aforementioned general requirements, the following requirements shall be applicable to signs located in a business, commercial or industrial zoning district. These signs require a zoning permit prior to the start of construction:
  - a. One (1) free-standing sign shall be permitted for any one (1) lot.
  - b. If such lot is a corner lot having frontage on two public streets, one (1) additional free-standing sign is permitted;

- c. For multi-tenant facilities, it is the property owner's responsibility to determine the sign are devoted to identification of the development, building anchor tenant, all tenants, or a combination thereof. A commercial or industrial complex, community shopping center, plaza, strip plaza, or mall shall be considered a multi-tenant facility;
- d. Free-standing ground supported signs shall not exceed a maximum height of thirty-five (35) feet. In no case shall the sign area exceed one hundred (100) square feet. All signs shall be setback a minimum of ten (10) feet from any property line;
- e. The maximum size of building wall signs shall be sixty-four (64) square feet in a business district.
- f. The maximum size of a building wall sign shall not exceed four hundred (400) square feet in a commercial or industrial district;
- g. Only one (1) banner, festoon, or pennant, not to exceed sixty (60) square feet in dimension, shall be displayed on any commercial or industrial property in conjunction with an allowable use.

## **H. BILLBOARD SIGNS**

1. Billboard signs and outdoor advertising shall be permitted in all districts zoned agricultural, business, commercial and industrial (ORC 519.20), with the following limitations:
  - a. A zoning permit shall be required prior to the start of construction of a billboard sign;
  - b. Only one (1) double face billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, and not to exceed a gross area of three hundred (300) square feet;
  - c. No portion of a billboard sign shall be placed on an agricultural, business, commercial, or industrial district parcel closer than fifteen (15) feet away from a street front property line, side property line or rear property line;
  - d. No billboard shall have any flashing, running or sequential lights;
  - e. Billboards and outdoor advertising along a state highway, interstate highway or designated federal aid primary system highway shall conform with all applicable state (ODOT) and federal regulations;
  - f. No billboard sign shall be affixed to, constructed on, or placed on a trailer, semi-trailer or truck of any type;
  - g. The placement of billboard and outdoor advertising signs shall be so placed as to maintain a distance of one thousand (1,000) lineal feet between one another, as measured from the base of each sign,

- regardless of whether the signs are both located on the same single road corridor or are located on different road corridors;
- h. No sign shall be placed closer than fifty (50) feet from any on-premise monument or pole sign;
  - i. No sign shall be placed within five hundred (500) feet of any publicly owned or maintained property, including but not limited to, public lands and park property.

## **I. ELECTRONIC MESSAGE CENTER-DIGITAL SIGNS-DIGITAL BILLBOARDS**

For the purpose of this section, the words/phrase Electronic Message Center, digital sign and digital billboard shall have the same meaning:

1. An Electronic Message Center, digital sign and digital billboard shall only be permitted in a business, commercial or industrial district, or conditionally permitted if approved by the Board of Zoning Appeals;
2. The Electronic Message Center, digital sign and digital billboard utilizes advancements in technology which permits signs to change automatically and electronically, utilizing an LED (light emitted diode) type of signage;
3. Only one (1) sign shall be permitted on a single permanent pole or building wall per lot;
4. The overall size and height shall be in conformance with all other applicable sign regulations;
5. An EMC, digital sign and digital billboard shall be subject to all other applicable regulations in this Ordinance;
6. An EMC, digital sign and digital billboard may not allow the display or message to change more frequently than once every "eight (8) seconds", with the transition period of one (1) second or less;
7. An EMC or digital sign shall be permitted for a public building, church or school in a residential district, and shall not exceed thirty-two (32) square feet in dimension;
8. The maximum brightness for electronic message boards, digital signs and digital billboards shall not exceed 0.2 (two-tenths) foot candles over ambient light levels measured within 150 feet of the source.
9. Certification must be provided to the Township demonstrating that the sign has been presenting to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.