

**Jackson Township**  
**MAHONING COUNTY, OHIO**

**ZONING RESOLUTION**

**Comprehensive Update**

Adopted: August 6, 2002  
Effective: September 5, 2002



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**ARTICLE I**  
**PURPOSE AND GENERAL PROVISIONS**

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**CHAPTER 110**

**Title, Purpose and Interpretation**

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**SECTION 110.01 SHORT TITLE.**

This Resolution shall be known as the “Zoning Resolution of Jackson Township, Mahoning County, Ohio”, and shall be applicable to all land in Jackson Township, Mahoning County, Ohio.

**SECTION 110.02 AUTHORIZATION.**

The authority for establishing “The Jackson Township Zoning Resolution” is derived from ORC §519.01 through 519.99, inclusive.

**SECTION 110.03 PURPOSE.**

In order to promote and protect the public health, safety, morals, and general welfare of the residents of the unincorporated area of Jackson Township, Mahoning County, Ohio, and to ensure orderly growth and development in said Township, the Board of Township Trustees has found it necessary and advisable to adopt this Zoning Resolution to regulate the: location; height; bulk; number of stories and sizes of buildings and other structures including tents, cabins, mobile homes and manufactured homes; percentages of lot areas which may be occupied; setback building lines; sizes of yards, courts, and other spaces; the density of population; the uses of buildings and other structures including tents, cabins, mobile homes and manufactured homes; and the use of land for trade, industry, residence, recreation, or other purposes and for such purposes to divide the unincorporated Township into districts or zones of such number, shape, and areas as the Board determines and to provide for the administration and enforcement of such regulations.

**SECTION 110.04 UNIFORMITY OF REGULATIONS.**

All such regulations shall be uniform for each class or kind of building or other structure or use through any district or zone, but the regulation may differ from those in other districts or zones.

**SECTION 110.05 INTERPRETATION.**

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

**SECTION 110.06 COMPLIANCE WITH REGULATIONS.**

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner that does not comply with the district provisions established by these regulations for the district in which the building or land is located.

**SECTION 110.07 COMPLIANCE WITH BUILDING AND SUBDIVISION REGULATIONS.**

All structures shall comply with the standards and requirements of the building regulations, adopted and administered by the Mahoning County Building Department; and, where applicable, the Mahoning County Subdivision Regulations as adopted and administered by the Mahoning County Planning Commission and the Mahoning County Commissioners.

**SECTION 110.08 VALIDITY AND SEPARABILITY.**

If any section, subsection, or any provision of this Resolution, or amendments thereto, is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or amendments thereto.

**SECTION 110.09 REPEALER.**

The Zoning Resolution of Jackson Township, Mahoning County, Ohio, adopted effective November 6, 1956 and as subsequently amended together with the Zoning Map, which is a part of the Zoning Resolution, is hereby superceded and amended to read as set forth in this Zoning Resolution update.

**SECTION 110.10 EFFECTIVE DATE.**

This Resolution and amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law.

**CHAPTER 120**

**Definitions**

120.01 Interpretation of terms and words.      120.02 Definitions.

**SECTION 120.01 INTERPRETATION OF TERMS AND WORDS.**

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

- A. The present tense shall include the "future"; the singular number shall include the "plural"; and the plural number includes the "singular".
- B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- C. The word "person" includes a corporation, firm, partnership, association, organization, trust, or company as well as an individual.
- D. The word "lot" includes the word "plot" or "parcel".
- E. The words "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."
- F. When the number of days is specified, days shall mean calendar days unless specifically stated otherwise.

**SECTION 120.02 DEFINITIONS.**

- A. The words used in this Resolution are used in their ordinary English usage.
- B. For the purpose of this Resolution the following terms, whenever used in this Resolution, shall have the meaning herein indicated:
  - 1. **ABANDONED VEHICLE** - Any motor vehicle or accessory to the same, licensed or unlicensed, without regard to its age or value, and 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. For the purposes of this definition vehicle includes but is not limited to automobile, truck, jeep, van, trailer, farm equipment, aircraft and off-road vehicles.
  - 2. **ACCESS DRIVE** - A paved strip, which provides a vehicular connection between off-street parking spaces and a street.

3. **ACCESSORY BUILDING** - A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to that of the main building or use and which is constructed subsequent to the main use of the principal building or land.
4. **ACCESSORY USE** - A use customarily incidental and subordinate to the principal use of the building, and located on the same lot of such principal use or building.
5. **ADULT FAMILY HOME** - A residence or facility that provides accommodations for up to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of these unrelated, where the residents live as a single housekeeping unit wherein the dwelling serves as the adults' sole, bona fide primary residence. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or housing facilities serving as an alternative to incarceration (i.e., halfway house), or residents who require "skilled nursing care" and shall not include nursing homes and rest homes as defined in Ohio Revised Code Chapter 3721.
6. **AGRICULTURE** - The cultivating of land for the raising or production of crops, flowers, vegetables, trees, ornamental plants or grapes; the raising of livestock, poultry or bees on a commercial scale; and/or the breeding, raising and care of horses, dogs or similar domesticated animals. As used in Sections 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; forestry and forestry products; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. The use of the land shall not include the commercial feeding of garbage to livestock.
7. **AIRPORT / AIRCRAFT LANDING FIELD** - Any runway, land area or other facility designed or used whether publicly or privately by any person for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary building and open spaces.
8. **AMUSEMENT PARK** - A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for entertainment, restaurants, and souvenir sales.



9. ASPHALT - A mixture of sand or gravel, clay, and a black/brown tar-like substance usually derived from petroleum, used as a hard surface paving for driveways and parking areas.
10. ASSEMBLY HALL - A building or establishment where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings and may engage in providing catering and entertainment for a fee.
11. AUTOMOBILE REPAIR GARAGE - A building, part of a building, structure or space, which is used for the repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles.
12. AUTOMOBILE SERVICE STATION - (See also Gasoline Station) - A building or part of a building, structure or space where the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles, and the making of repairs to motor vehicles are conducted, except that repairs described as major repairs in AUTOMOBILE REPAIR GARAGE shall not be permitted.
13. BASEMENT or CELLAR – A story having more than one-half of its clear height below the average finished grade.
14. BERM - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
15. BOARD - The Zoning Board of Appeals of Jackson Township.
16. BUFFER or BUFFER ZONE - An area adjacent to the property line(s), the purpose of which is to separate and screen different land uses from each other, which is properly landscaped with grass, evergreens, ground cover and other vertical elements such as trees, berms, fences or walls.
17. BUILDING - Any structure, affixed to the land, having one or more floors and a roof supported by columns or walls intended for the shelter, housing, or enclosure of persons, animals, or property.
  - (a) BUILDING, ACCESSORY - See “Accessory Building”.
  - (b) BUILDING, PRINCIPAL - A building which is occupied by the main or principal use of the lot on which said building is situated.
18. BUILDING LINE - An imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

19. CAR WASH - A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
20. CARPORT - A covered automobile or motor vehicle parking space not completely enclosed by walls or doors.
21. CEMETERY - Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.
22. CERTIFICATE OF ZONING COMPLIANCE - An official statement from the Jackson Township Zoning Inspector certifying that a given building, structure, or parcel of land is in compliance with the provisions of the Jackson Township Zoning Resolution as specified on the zoning permit previously issued for the parcel and therefore may be occupied and used lawfully for the purpose designated on the zoning permit.
23. CLINIC, MEDICAL - A place used for care, diagnosis and treatment of sick, ailing, infirm, or injured persons by one or more physicians, dentists, other medical personnel, and those who are in need of medical and/or surgical attention on an outpatient basis, which may include no more than 3 beds for the incidental overnight lodging of patients.
24. 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, pickup truck, stakebodied truck, trailer or such similar vehicle used for business purposes and bearing a commercial license plate.
25. COMMISSION - The Jackson Township Zoning Commission.
26. COMMON DRIVE - A private way that provides vehicular access to more than one dwelling.
27. CONGREGATE CARE FACILITY - A licensed residential facility to provide for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units designed specifically for the elderly or handicapped, and have common social, recreational, dining and/or food preparation facilities.
28. CORRAL: An outdoor area enclosed by a fence used for confining animals.
29. CUL-DE-SAC - See "Street, Cul-de-sac."
30. DAY-CARE, ADULT FACILITY - An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering

- from acute or chronic alcoholism or other drug dependency or persons who regularly require restraint.
31. DAY CARE, (ADULT OR CHILD) - Ministering to the needs of persons other than by their children, parents, guardians, custodians, or relatives for any part of the twenty-four (24) hour day, in a place other than the persons own home.
  32. DAY-CARE, CHILD CENTER - Any place other than a family day-care home in which child day-care is provided.
  33. DAY CARE, FAMILY HOME, TYPE B - A permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.
  34. DISTRICT - A part, zone, or geographic area within Jackson Township within which certain zoning or development regulations apply.
  35. 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, Gasoline Station, and Automobile Service Station.
  36. DRIVEWAY, PRIVATE RESIDENCE - A drive extending from the street pavement to a private garage or garages on a residential lot, which is used by residents of the lot for vehicular access to and from such street and for the temporary storage of registered and licensed motor vehicles.
  37. DWELLING - Any building or structure containing one or more dwelling units which is wholly or partly used or intended to be used exclusively for living or sleeping by one or more human occupants.
  38. DWELLING, SINGLE-FAMILY - A dwelling unit designed and used for one (1) family situated on a parcel having front, sides, and rear yards and separated from all other dwelling units by open space from ground to sky.
  39. 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.

40. DWELLING UNIT - Space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.
41. EFFECTIVE DATE - The date that these regulations or any subsequent revisions take effect.
42. ENTERTAINMENT FACILITIES, INDOOR - Any profit making activity that is generally related to the entertainment field, such as motion picture theaters, carnivals and similar activities.
43. FAMILY – An individual living alone or two or more persons related by blood, marriage, guardianship or adoption living together as a single housekeeping unit in a dwelling that may include no more than two (2) unrelated individuals; or a group of individuals, who need not be related, living together as a single housekeeping unit in a dwelling that may include no more than four (4) unrelated individuals. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. The definition of family does not include any common living arrangement or basis for the establishment of the housekeeping unit that is not permanent.
44. FARM MARKET (ROADSIDE STAND) - See "Roadside Stand."
45. FENCE - Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.
46. FLEET VEHICLES: Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles, or junk vehicles.
47. FLOOR AREA, GROSS - The sum of the horizontal areas of the one or several stories of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings or sections of buildings. Floor area, for the purpose of these regulations, shall not include unfinished basements, cellars, elevators, attic spaces, terraces, breezeways, open porches, decks, uncovered steps, and/or garages.
48. FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation.
49. GAME ROOM – Any premises open to the public other than a residence upon or within which there is located more than three billiard tables, pinball machines, video games or other similar player-oriented amusement devices, or any combination of billiard tables and amusement devices in excess of three.

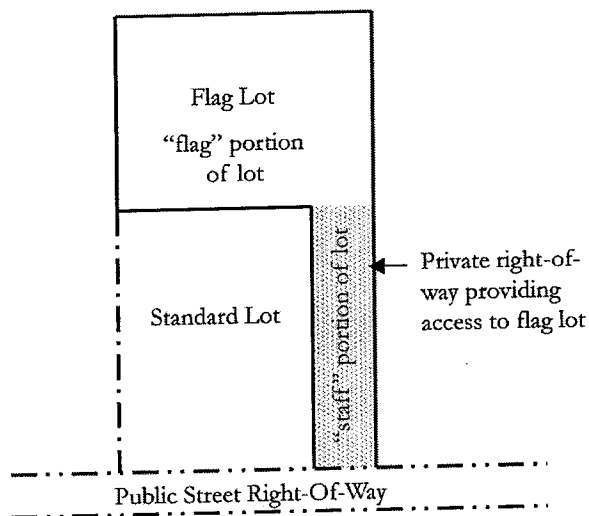
50. GARAGE, PRIVATE - A detached accessory building or portion of a principal building designed or used for the parking or temporary storage of automobiles, motor driven vehicles, boats and/or trailers and other normal household accessories owned by the occupants of the premises, with no facilities for mechanical service or repair of a commercial or public nature.
51. GASOLINE STATION - (See also Automobile Service Station) - An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include facilities available for the sale of other retail products.
52. GRADE, FINISHED - The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
53. GRADE, NATURAL - The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
54. HANDICAPPED - A physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
55. HEAVY EQUIPMENT - 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 used for business purposes.
56. HEIGHT - The vertical distance measured from the average elevation of the finished grade to the topmost element of the structure when the structure is not a building.
57. HEIGHT, BUILDING - 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 for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for hip and gable roofs.
58. HOME FOR HANDICAPPED PERSONS, FAMILY - A residential facility that provides room and board, personal care, habilitative services, and supervision in a family setting for 5 to 8 handicapped persons. (See HANDICAPPED.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Resolution (see FAMILY), and are not subject to the conditional use regulations for family homes. The term "family home for handicapped persons" does not include "halfway house" or other

- housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
59. HOME FOR HANDICAPPED PERSONS, GROUP - A residential facility that provides room and board, personal care, habilitative services, and supervision in a family setting for at least 9 handicapped persons. (See HANDICAPPED.) The term "group home for handicapped persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
60. HOME OCCUPATION – A business enterprise or profession conducted within the confines of a dwelling unit and carried on by the inhabitants thereof, which is clearly incidental, and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
61. HOSPITAL - Any building or other structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, or other care for human ailments.
62. HOTEL/MOTEL - A building in which short term lodging is provided on a daily rate and is offered to the public for compensation.
63. JUNK OR WRECKING YARD – The use of more than 25 square feet of any land, property, building, structure or combination thereof, to store, dump, sell, exchange, disassemble, or otherwise handle partly dismantled, obsolete, or wrecked vehicles or their parts, second hand building materials, waste, debris, or other salvaged material which, unaltered or unchanged and without further reconditioning, cannot be used for its original purpose as readily as when new. It does not include salvaged materials incidental to manufacturing operations.
64. KENNEL - Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, sold or which offers provisions for minor medical treatment.
65. LAND USE - The purpose for which any land may be used or operated, controlled and limited by the regulations contained in this Resolution.
66. LANDSCAPED AREA - An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
67. LOADING SPACE, OFF-STREET - An off-street space or berth within the main building or on the same lot as the main building, or contiguous to a group of

buildings, for the temporary parking of vehicles while loading or unloading merchandise or materials.

- 68. LOT - A parcel of land of sufficient size to meet the minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces required by this Resolution or land shown as a separate lot or parcel on the records of Mahoning County. The term "zoning lot" is used synonymously with "lot" in this Zoning Resolution. Such lot shall have frontage on an improved public street but not include any portion thereof, or on an approved private street, and may consist of:
  - (a) A single lot of record;
  - (b) A portion of a lot of record;
  - (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
  
- 69. 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 between such centerline and the established street right-of-way shall not be included as part of the area for the purpose of these regulations.
  
- 70. LOT, CORNER - A lot abutting two streets at their intersection where the angle of the intersection is not more than 135 degrees.
  
- 71. LOT, FLAG – A lot that does not meet the minimum frontage requirements, and where access to the public street right-of-way is by a narrow private right-of-way also referred to as the “staff”.

Illustration of Flag Lots



72. LOT, INTERIOR - A lot abutting or with frontage on only one street.
73. LOT LINE - The boundary line defining the limits of a lot. Lot line is synonymous with "property line."
- (a) LOT LINE, FRONT - The line separating an interior lot from the street right-of-way on which the lot fronts. In the case of a corner lot, the front lot line separates the lot from the street upon which the major entrance of the building fronts.
- (b) LOT LINE, REAR - The lot line opposite and most distant from the front lot line and most parallel to the front. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (c) LOT LINE, SIDE - Any lot line other than a front or rear lot line.
74. LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the Mahoning County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the Office of the Register of Deeds of Mahoning County.
75. LOT, THROUGH - A lot other than a corner lot, having frontage on two streets, also called a double frontage lot.
76. LOT WIDTH - The distance from one side lot line to the other measured at the required front setback line.
77. MANUFACTURED HOME - A building unit or assembly of closed construction that is fabricated in an off-site facility for installation or assembly at the building site, designed to be used as a permanent dwelling unit, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
78. MINERALS - Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous, or non-metalliferous ore, other mineral or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat, or top soil.
79. MINIMUM SETBACK LINE - A line equidistant from the street right-of-way, at a distance prescribed in each district, denoting the edge of the allowable building area and extended across the full width of the lot.



80. MOBILE HOME – means a building unit or assembly of closed construction that is fabricated in an off-site facility designed to be used as a dwelling but which does not qualify as a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of section 3781.06 of the Revised Code.
81. NONCONFORMING BUILDING - A building existing when this Resolution or any amendment thereto became effective which does not conform to the regulations governing buildings of the district in which it is located.
82. NONCONFORMING LOT - A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
83. NONCONFORMING SITE CONDITION - Any structure lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.
84. NONCONFORMING USE - A use of a structure or land which was lawful when this Resolution or any amendment thereto became effective but which does not conform to the use regulations, off-street parking and loading requirements, or performance standards of the district in which it is located.
85. NURSING HOME - An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.
86. OPEN SPACE - The portion of a lot, not covered by a building area, open to the sky. It may include walkways, landscaping, fences, and objects not defined under buildings or structures.
87. OUTDOOR DISPLAY - The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
88. OUTDOOR STORAGE - The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

89. PARKING LOT - A paved area made up of marked parking spaces. Also known as a parking area.
90. PARKING SPACE, OFF-STREET - An open or enclosed area totally outside the street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles.
91. PERFORMANCE STANDARD - A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
92. PERMIT, ZONING - See "Zoning Permit."
93. PLACE OF WORSHIP - A building, structure, or other indoor or outdoor facility used for public worship. The word "place of worship" includes the words "church," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.
94. PLAN, DEVELOPMENT - Drawing(s) and map(s) illustrating the proposed design, layout, and other features for the development of one or more lots.
  - (a) GENERAL DEVELOPMENT PLAN - Drawings and maps including all the elements set forth in Section 230.04.
  - (b) FINAL DEVELOPMENT PLAN - Drawings and maps including all the elements set forth in Section 230.05.
95. PLAT - A map, or layout of a subdivision, or lot indicating, by accurate distances and bearings, the location and boundaries of individual properties.
96. PORCH, OPEN - A porch without a roof or other type of overhang.
97. PROPERTY LINE - See "Lot Line."
98. PUBLIC SAFETY FACILITY - A governmentally owned and operated facility established to provide police or fire safety services to the surrounding area.
99. PUBLIC SERVICE FACILITY - The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping station, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad whether publicly or privately owned, or by a government agency, including the furnishing of electric, gas, rail transport, communication, public water and sewage service.
100. QUARRY - Any use of land for the removal of any mineral or material, including open or strip mining and shaft mining.

101. RECREATIONAL VEHICLE (RV) AND EQUIPMENT - A portable structure designed to be mounted on or drawn by a motor vehicle or built on a chassis, and intended to be used for temporary occupancy for travel or for recreational use.
102. RESEARCH AND TESTING LABORATORY - A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
103. RESTAURANT, COUNTER SERVICE - A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
104. RESTAURANT, TABLE-SERVICE - A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
105. RETAIL ESTABLISHMENT - An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Zoning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.
106. RIGHT-OF-WAY - A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
107. RIGHT-OF-WAY LINE - The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
108. ROADSIDE STAND (FARM MARKET) - A temporary vehicle or temporary stand without foundation used for the sale of agriculture products 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 Ohio Revised Code §519.21.

109. SALT WATER - Any and all waters produced from a gas or oil well and all other gas or oil field wastes incidental to the drilling, completion, or operation of a gas or oil well.
110. SATELLITE DISH ANTENNA - A device that receives communications or other signals from orbiting satellites and other extraterrestrial sources for home audio-video viewing, and which includes a low noise amplifier (LNA) which is situated at the focal point of the receiving component to magnify and transfer signals into the interior of the building.
111. SEXUALLY ORIENTED BUSINESS - A business which is designed and used to sell, rent, or show sexually explicit materials, to display nude bodies or one which is distinguished or characterized by an emphasis on "Specific Sexual Activities" or "Specific Anatomical Areas" defined in Chapter 390 of this Resolution, particularly but not exclusively, defined as meaning an adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or massage parlor.
112. SIMILAR USE – See "Use, Similar."
113. SMALL WIND ENERGY SYSTEM - Any wind project less than 5MW which includes the wind turbine generator and anemometer and is connected to the public power grid pursuant to state regulations.
114. STORY - That part of a building included between any floor and or roof next above. When applying to 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.
115. STREET, ARTERIAL - A street primarily for through traffic usually on a continuous route. This facility provides for through traffic movement between areas, across the county, and to and from expressways.
116. STREET, CENTERLINE OF - A line midway between and parallel to the two (2) street lines.
117. STREET, COLLECTOR - A street that primarily carries traffic from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
118. STREET, CUL-DE-SAC - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.
119. STREET LINE – See "Right-of-Way Line."
120. STREET, LOCAL - A street primarily for providing access to residential or other abutting property.

121. STREET, PRIVATE - A local private way which provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an Association.
122. STREET, PUBLIC - An existing State, County, or City street or public road shown on the recorded subdivision plat.
123. STREET RIGHT-OF-WAY – See “Right-of-Way.”
124. STRIP MINING - All or any part of the process following in the removing of minerals, coal, peat, sand, gravel, clay, stone, shale, limestone or sandstone, etc., from their nature deposits by means of open excavation.
125. STRUCTURAL ALTERATIONS - As applied to a building or structure, any change or rearrangement of supporting members or structural parts except such changes which may be required for its safety; any addition or enlargement, whether extending on a side or by increasing in height, or moving from one location or position to another.
126. STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, and including but not limited to signs, fences, decks, pools, and gazebos.
127. SWIMMING POOL, COMMUNITY or PUBLIC - A swimming pool or facility operated with a charge for admission or requiring membership: a primary use.
128. SWIMMING POOL, PRIVATE - A swimming pool or facility exclusively used by the residents and guests of a single household, the members and guests of a club, or the patrons of a motel.
129. TRUSTEES - The Board of Trustees of Jackson Township, Mahoning County, Ohio.
130. USE - The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied, or any occupation, activity or operation carried on in a building or structure or on land.
  - (a) USE, ACCESSORY - A use incidental and subordinate to the principal use of the building, and located on the same lot of such principal use or building.
  - (b) USE, CONDITIONAL - A use permitted within a district other than a principal use permitted by right, which is allowed only under certain conditions, and which requires a conditional use permit and approval of the Board of Zoning Appeals.
  - (c) USE, PERMITTED - A use that is authorized by this Zoning Resolution as either a use permitted by right, a conditional use or an accessory use.

- (d) USE PERMITTED BY RIGHT - A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Zoning Resolution, the approval of which does not require a public hearing.
  - (e) USE, PRINCIPAL - The primary or main use or activity of a building or lot.
  - (f) USE, SIMILAR - A use not specifically listed in any of the schedules of permitted uses of any district, but which may be found similar by the Board of Zoning Appeals and added to a schedule for a particular district.
131. VARIANCE - A variance is a modification of the strict terms of the relevant resolutions where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the resolutions would result in unnecessary and undue hardship or practical difficulty.
132. VETERINARY HOSPITAL - A place where animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use.
133. WATER, SALT OR BRINE - See "salt water".
134. YARD - An open space on the same lot with a principal use or building extending between a building or structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upwards except as otherwise permitted by this Resolution.
135. YARD, FRONT - An open space on the same lot with a principal use or building, extending the full width of the lot and situated between the front line of the main building and the front line of the lot.
136. YARD, REAR - An open space on the same lot with a principal use or building, extending the full width of the lot and situated between the rear wall of the building and the rear lot line.
137. YARD, REQUIRED - (See also "Minimum Setback Line") - The open space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
138. ZONING MAP - The "Zoning Map of Jackson Township, Mahoning County, Ohio".
139. ZONING PERMIT - A document issued by the Jackson Township Zoning Inspector authorizing the various uses in accordance with the Jackson Township Zoning Resolution.

## CHAPTER 130

### Establishment of Districts and Zoning Map

130.01	Establishment of Districts.	130.03	Interpretation of District
130.02	Zoning District Map.		Boundaries.

#### **SECTION 130.01 ESTABLISHMENT OF DISTRICTS.**

Zoning districts are hereby established for the unincorporated territory of Jackson Township, Mahoning County, Ohio. These districts and the identifying symbol associated with each are as follows:

##### Residential Districts

- A-SER Agriculture/Suburban Estate Residential District
- R-1 Single-Family Residential District
- R-2 Single-Family and Two-Family Residential District

##### Business and Industrial Districts

- B-1 General Business District
- B-2 Village Center District
- I-1 Light Industrial District
- I-2 General Industrial District

#### **SECTION 130.02 ZONING DISTRICT MAP.**

The districts and their boundary lines are indicated upon the map entitled "The Jackson Township, Mahoning County, Ohio, Zoning District Map" or "Zoning District Map" which, together with all notations, references, and other matters shown thereon, is hereby made part of this Resolution. The Zoning District Map shall bear the signatures of the Jackson Township Zoning Commission and the Board of Township Trustees.

#### **SECTION 130.03 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where Boundaries Approximately Follow Lot Lines. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

- B. Where Boundaries Approximately Follow Streets, Alleys Or Highways. Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-ways of constructed lines of highways, such lines shall be construed to be such district boundaries.
- C. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, Or Highway Right-of-Way Lines. Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- D. Where Boundaries Approximately Follow Railroad Lines. Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
- E. Vacation Of Public Ways. Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.
- F. Dispute Concerning Location of Boundaries. All disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.



**ARTICLE II  
ADMINISTRATION AND ENFORCEMENT**

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**CHAPTER 210**

**Administrative Powers and Duties**

210.01	Office of Zoning Inspector.	210.04	Powers and Duties of the Zoning Commission.
210.02	Powers and Duties of the Zoning Inspector.	210.05	Establishment and Proceedings of the Board of Zoning Appeals.
210.03	Establishment and Proceedings of the Zoning Commission.	210.06	Powers and Duties of the Board of Zoning Appeals.

**SECTION 210.01 OFFICE OF ZONING INSPECTOR.**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. The Zoning Inspector may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code.

**SECTION 210.02 POWERS AND DUTIES OF THE ZONING INSPECTOR.**

For the purpose of this Resolution, the Zoning Inspector shall have the following duties and powers:

- A. Accept and review all applications for zoning permits as required herein;
- B. Issue zoning permits and certificates of zoning compliance as provided by this Zoning Resolution where all applicable provisions of this Resolution are complied with in the application and keep a record of the same with a notation of any special conditions involved.
- C. Deny the issuance of a zoning certificate in those cases where one or more applicable provisions of this resolution are not complied with in the application thereto.
- D. Maintain in current status the Zoning District Map, which shall be kept on permanent display in the Township.
- E. Maintain permanent and current records required by this Resolution including but not limited to zoning approval, inspection documents, and records of all variances, amendments, conditional uses, and similar uses.

- F. Respond to questions concerning applications for amendments to the Zoning Resolution and the Zoning District Map.
- G. Conduct inspections of buildings and uses of land to determine compliance with this Resolution.
- H. Determine the existence of any violations of this Resolution and cause such notifications or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- I. Enforce all provisions of this Resolution uniformly throughout the township.

**SECTION 210.03 ESTABLISHMENT AND PROCEEDINGS OF THE ZONING COMMISSION.**

In accordance with Section 519.04 of the Ohio Revised Code, the Zoning Commission of Jackson Township is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

- A. Composition and appointment.
  - 1. The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the township and who shall be appointed by the Board of Township Trustees.
  - 2. Terms of members shall be for five (5) years and shall be so arranged that the term of one member expires each year. Each member shall serve until his/her successor is appointed and qualified.
  - 3. Members of the Commission may be removed from office by the Board of Township Trustees for the same causes and in the same manner as provided in Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees for the unexpired term of the member affected.
- B. Quorum. Three (3) members of the Commission shall constitute a quorum at all meetings. A vote of three shall be necessary to effect an order, take action, make decisions, or act on any authorization.
- C. Meetings.
  - 1. The Zoning Commission shall elect a chairman from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with this Resolution.
  - 2. Meetings shall be held at the call of the chairman and at such other times as the commission may determine.
  - 3. The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and

shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Commission.

4. All meetings of the Zoning Commission shall be open to the public.

#### **SECTION 210.04 POWERS AND DUTIES OF THE ZONING COMMISSION.**

For the purpose of this Resolution, the Zoning Commission shall have the following powers and duties:

- A. To review all proposed amendments to this Resolution and Zoning District Map and to submit a recommendation to the Board of Township Trustees.
- B. To review all development plans required by this Resolution and submit a recommendation to the Zoning Inspector for permitted uses and to the Board of Zoning Appeals for conditional uses.
- C. To initiate proposed amendments to the Zoning Resolution and the Zoning District Map.
- D. To transmit all proposed amendments to the Mahoning County Planning Commission for their recommendation and to consider the Mahoning County Planning Commission's recommendations at a public hearing.

#### **SECTION 210.05 ESTABLISHMENT AND PROCEEDINGS OF THE BOARD OF ZONING APPEALS.**

In accordance with Section 519.13 of the Ohio Revised Code, the Board of Zoning Appeals of Jackson Township is hereby created and shall have all the powers and duties by law and by this resolution.

- A. Composition and appointment.
  1. The Board of Zoning Appeals shall be composed of five (5) members who reside in the unincorporated area of the township and who shall be appointed by the Board of Township Trustees.
  2. Terms of members shall be for five (5) years and shall be so arranged that the term of one member expires each year. Each member shall serve until his/her successor is appointed and qualified.
  3. Members of the Board of Zoning Appeals may be removed from office by the Board of Township Trustees for the same causes and in the same manner as provided in Section 519.13 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees for the unexpired term of the member affected.

- B. Quorum. Three (3) members of the Board shall constitute a quorum at all meetings. A vote of three shall be necessary to effect an order, take action, make decisions, or act on any authorization.
- C. Meetings.
1. The Board of Zoning Appeals shall elect a chairman from its membership and shall adopt rules necessary to the conduct of its affairs in keeping with this Resolution.
  2. Meetings shall be held at the call of the chairman and at such other times as the Board may determine.
  3. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board of Zoning Appeals.
  4. The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
  5. All meetings of the Board of Zoning Appeals shall be open to the public.

**SECTION 210.06 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.**

For the purpose of this Resolution, the Board of Zoning Appeals shall have the following duties and powers:

- A. 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;
- B. To authorize such variances from the terms of this Resolution as will not be contrary to public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship or practical difficulty, and so that the spirit of this Resolution shall be observed and substantial justice done;
- C. To grant conditional use permits as specified in this Resolution, and such additional safeguards as will uphold the intent of this Resolution;
- D. To make a determination that a proposed use that is not listed or provided for in this Resolution is a similar use by virtue of being substantially similar to a principal or conditional use that is listed and provided for in this Resolution.
- E. To revoke an authorized variance or conditional use permit granted for the extraction on minerals, if any conditions of the variance or permit are violated.
- F. To resolve any disputes with respect to the precise location of a zoning district boundary.

## CHAPTER 220

### General Administrative Procedures

220.01	Zoning permit required.	220.07	Denial of zoning permit.
220.02	Agricultural uses exempt.	220.08	Submission to Director of Transportation.
220.03	Zoning permit application requirements.	220.09	Expiration of zoning permit.
220.04	Review for completeness.	220.10	Temporary use permits.
220.05	Action on application for zoning permit.	220.11	Certificate of zoning compliance.
220.06	Approval of zoning permit.	220.12	Schedule of fees.

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#### **SECTION 220.01 ZONING PERMIT REQUIRED.**

No land shall be disturbed or altered, no building or structure shall be erected, constructed, enlarged, structurally altered, or moved in whole or in part, and no use shall be established or changed in the unincorporated area of Jackson Township prior to the issuance of a zoning permit as required by this Chapter. A zoning permit shall be issued only when the plans for the proposed use, building or structure fully comply with the regulations set forth in this Zoning Resolution, unless a variance has been approved by the Board of Zoning Appeals.

#### **SECTION 220.02 AGRICULTURAL USES EXEMPT.**

In accordance with O.R.C. §519.21, any use determined by the Zoning Inspector to be an agricultural use that is located on a lot larger than 5 acres, or does not otherwise meet the conditions of 310.12, shall be exempt from the zoning permit requirement. No zoning permit shall be required for such agricultural use or any building or structure specifically accessory thereto. No agricultural building shall be occupied by a use other than an agricultural use without first obtaining a zoning permit in accordance with this Chapter.

#### **SECTION 220.03 ZONING PERMIT APPLICATION REQUIREMENTS.**

All applications for zoning permits shall be submitted to the Zoning Inspector, who shall issue zoning permits when it is determined that the application complies with all applicable provisions of this Resolution.

A. Zoning Permits for Single-Family and Two-Family Dwellings and Uses Accessory Thereto. An application for construction or alteration of a single-family dwelling, two-family dwelling or use accessory thereto shall include the following:

1. Applications for principal buildings shall submit the completed application form, along with the application fee as established by the Trustees and the following additional items:

- a) One copy of a general vicinity map.
  - b) Two copies of a plot plan showing the following. Such plans shall be legibly drawn to scale and shall be based on an accurate survey.
    - 1) Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
    - 2) Right-of-way of adjacent streets.
    - 3) Location, dimensions, height, bulk of all structures to be erected or altered.
    - 4) The existing and intended use(s) of all land and buildings.
    - 5) Dimensions of yards, driveways, and parking spaces.
    - 6) Elevation and grading plan.
  - c) An erosion control plan approved by the Mahoning County Engineer which properly controls all on-site surface waters of the entire lot including driveways, parking areas and roof waters.
  - d) A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, floodplain and wetland regulations, if applicable.
2. Applications for accessory buildings shall submit the completed application form, along with the application fee as established by the Trustees and the items listed in subsection A.1.b)1) through A.1.b)5), above.
- B. Zoning Permits for All Other Permitted Uses. Applications for zoning permits for uses not described in subsection A above shall include the submission requirements for development plans set forth in Chapter 230.
- C. Zoning Permits for Conditional Uses. Applications for zoning permits for conditional uses shall include the submission requirements for conditional uses set forth in Chapter 250.

#### **SECTION 220.04 REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall review each submitted application to determine accuracy and compliance with the applicable district regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made.

**SECTION 220.05 ACTION ON APPLICATION FOR ZONING PERMIT.**

The Zoning Inspector shall act on a zoning permit application:

- A. For all single-family dwellings, two-family dwellings and uses accessory thereto, a zoning permit shall be issued by the Zoning Inspector within 30 business days from when an application is determined complete for applications which, in his/her determination, meet all requirements of this Resolution, including the application requirements specified herein. In conducting his/her review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Resolution. The cost of the consultant's review shall be borne by the applicant, as stated in the schedule of fees.
- B. Applications for zoning permits for permitted uses requiring review of development plans shall be reviewed by the Zoning Inspector according to Chapter 230.
- C. Applications for zoning permits for conditional uses shall be transmitted to the Board of Zoning Appeals according to Chapter 250.
- D. Applications for zoning permits for which a variance is requested shall be transmitted to the Board of Zoning Appeals according to Chapter 260.

**SECTION 220.06 APPROVAL OF ZONING PERMIT.**

A zoning permit shall be issued where the structure or use, as proposed, complies with the provisions of this Resolution as determined by the:

- A. Zoning Inspector for all permitted uses;
- B. Board of Zoning Appeals for all Conditional Uses.

One copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector signs, dates and notes the copy as approved. One copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the subject property, attesting to the fact the activity is in conformance with the provisions of the Resolution.

**SECTION 220.07 DENIAL OF ZONING PERMIT.**

A zoning permit shall not be issued where the structure or use, as proposed, would violate one or more provisions of this Resolution. In such case, the Zoning Inspector shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the development plan, signed, dated and noted as disapproved.

**SECTION 220.08 SUBMISSION TO DIRECTOR OF TRANSPORTATION.**

According to ORC 5511.01, before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new state highway or a state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or any land within a radius of 500 feet from the point of intersection of said centerline with any state highway, the Zoning Inspector shall give notice, by registered mail, to the Director of ODOT and shall not issue a zoning permit for 120 days from the date the notice is received by the office. If notified that the state is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any agreed upon extension thereof, a zoning permit shall be granted if the application is in conformance with all provisions of this resolution.

**SECTION 220.09 EXPIRATION OF ZONING PERMIT.**

A zoning permit shall become void at the expiration of twelve months after the date of issuance unless, prior thereto, construction is begun, or an extension has been granted by the Zoning Inspector. If no construction is begun within one year of the date of the permit and an extension has not been granted, a new application and permit shall be required. Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed. The date of expiration shall be noted on the zoning permit. Unfinished construction projects on which no progress is made for 180 days shall be considered abandoned and may be declared a nuisance.

**SECTION 220.10 TEMPORARY USE PERMITS.**

Temporary buildings and uses when permitted by right in this Resolution shall be required to obtain a temporary use permit.

- A. The applicant shall submit to the Zoning Inspector a completed application form, along the application fee as established by the Trustees and three copies of the site plan containing the following:
1. Location and use of existing buildings;
  2. Intended ingress and egress of traffic; width of driveways and aisles and the location of any barriers; and
  3. Dimensions, location, and width between all temporary buildings, signs, structures or tents on the premises.
- B. A temporary use permit shall state the maximum duration of the specific use for which the temporary permit is issued. A temporary use permit shall be valid for a period of 60 days, unless the Zoning Inspector authorizes a longer period.



**SECTION 220.11 CERTIFICATE OF ZONING COMPLIANCE.**

No vacant land and no building erected, added to or altered shall be occupied or used in whole or in part nor shall any owner or tenant or any land or building hereafter change the use classification or enlarge the use classification in any building or on any premises without obtaining a certificate of zoning compliance from the Zoning Inspector. The Zoning Inspector shall issue a certificate of zoning compliance when the following have occurred:

- A. The Zoning Inspector has determined that all the provisions of the Jackson Township Zoning Resolution have been satisfied. The Zoning Inspector shall review the information obtained from inspection(s) conducted by the Township's consultant to determine compliance with this Resolution.
- B. In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient, (exclusive of financial hardship), it would be unreasonable for to require the zoning permit recipient to comply with the paving requirement set forth in Section 420.12A prior to commencing the intended use of the property or occupying any building, the Zoning Inspector may issue a temporary certificate of zoning compliance for a period not to exceed six months. The temporary certificate of compliance shall set forth the time for completing the pavement requirement, after which the temporary certificate of compliance will be void. Once the Zoning Inspector has determined that the paving requirement has been satisfied, a certificate of compliance shall be issued.
- C. The property owner has submitted the following:
  1. A certificate from the Building Inspector indicating compliance with the Mahoning County Building Code;
  2. A certificate from the Mahoning County Engineer indicating compliance with the provisions of the Mahoning County Subdivision Regulations;
  3. A certificate from the Mahoning County Health Department indicating compliance with all the requirements of said Department.

**SECTION 220.12 SCHEDULE OF FEES.**

The Township Board of Trustees shall by resolution establish a schedule of fees for zoning permits, development plan review, conditional use permits, similar use determination, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of the Jackson Township Zoning Resolution. In determining the fee amounts, the Trustees shall consider the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect, and including the cost of review by professional consultants. The schedule of fees shall be available from the Zoning Office and may be altered or amended only by the Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. Fees shall be nonrefundable.



## CHAPTER 230

### Development Plan Review

<p>230.01 Intent.</p> <p>230.02 Development plan review required.</p> <p>230.03 Preapplication meeting encouraged.</p> <p>230.04 General development plan submission requirements.</p>	<p>230.05 Final development plan submission requirements.</p> <p>230.06 Development plan review procedures.</p> <p>230.07 Expiration of development plan approval.</p> <p>230.08 Significance of an approved final development plan; plan revisions.</p>
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#### **SECTION 230.01 INTENT.**

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

#### **SECTION 230.02 DEVELOPMENT PLAN REVIEW REQUIRED.**

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- A. General Development Plan. A general development plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation pattern shall be required for any project that will be developed in phases.
- B. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs and outdoor storage areas shall be required for the following:
  1. New construction of all permitted uses in business, village center and industrial districts;
  2. New construction of all conditional uses;
  3. Any existing or previously approved development meeting the criteria of B1 or B2 above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the floor area of the permitted use or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

**SECTION 230.03    PREAPPLICATION MEETING ENCOURAGED.**

The applicant is encouraged to meet with the Zoning Inspector, or his/her designated representative, or the Zoning Commission prior to submitting an application for general development plan review or final development plan review.

- A. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of the criteria and standards contained within this Zoning Resolution. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations discussed at the preapplication meeting shall be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.
- B. If an applicant chooses to meet with the Zoning Commission prior to submitting an application, the applicant shall contact the Zoning Inspector and request that his/her project be listed as an item for discussion on the agenda of the next regularly scheduled or special meeting of the Zoning Commission. The Zoning Inspector shall notify the Secretary of the Zoning Commission of the request. The Secretary shall add the discussion item to the agenda if the request is made at least seven days prior to the next regularly scheduled or special meeting.

**SECTION 230.04    GENERAL    DEVELOPMENT    PLAN    SUBMISSION  
REQUIREMENTS.**

An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application including the plans and the application fee shall be submitted to the Zoning Inspector. The general development plan shall indicate:

- A. The location of all existing structures and access points;
- B. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;
- C. The general location of development areas for uses, parking areas, and access points;
- D. Existing and proposed topography, major vegetation features, and wooded areas;
- E. The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets;
- F. A summary table showing total acres of the proposed development and the number of acres devoted to each type of use including streets, open spaces, and the number of proposed dwellings by type;
- G. Proposed phases;
- H. Such other documentation as may be needed to evaluate the general concept of the proposed development.

**SECTION 230.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.**

An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;
- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
  - 1. Use, location and height of existing and proposed buildings and structures;
  - 2. Location of all public rights-of-way;
  - 3. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
  - 4. Proposed and existing fences, walls, signs, lighting;
  - 5. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
  - 6. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
  - 7. Dimensions of all buildings, setbacks, parking areas, drives and walkways.
- D. Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features;
- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).
- F. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;
- G. Summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space;

- H. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.
- I. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

#### **SECTION 230.06 DEVELOPMENT PLAN REVIEW PROCEDURES.**

General development plans and final development plans shall be reviewed according to the following procedures.

- A. Review by the Zoning Commission, Others. The Zoning Inspector shall review the submitted application for completeness in accordance with Section 220.04, and when determined complete shall distribute the application according to the following:
  - 1. Review by Zoning Commission.
    - a) The Zoning Inspector may seek the advise of the Zoning Commission on applications requiring development plan review
    - b) The Zoning Commission may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.
    - c) The Zoning Commission shall review the proposed general development plan at one or more of its public meetings.
  - 2. Review by Jackson Township Fire Department, Mahoning County Engineer, and Other Public Entities. The application shall be transmitted to appropriate township departments and other public agencies for review and comment. Any reports or comments shall be compiled and reviewed by the Zoning Inspector, and when applicable, transmitted to the Zoning Commission prior to the time of the Commission's review.
  - 3. Review by Consultants. The application may be transmitted to appropriate professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector, and when applicable, transmitted to the Zoning Commission prior to the time of the Commission's review. The cost of the consultant's review shall be paid by the applicant.

B. Review Criteria. In reviewing development plans, the Zoning Inspector shall determine:

1. For a general development plan, that:
  - a) The appropriate use and value of property within and adjacent to the area will be safeguarded.
  - b) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
2. For a final development plan, that:
  - a) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
  - b) The development will have adequate public service and open spaces.
  - c) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
  - d) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
  - e) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

C. Action By Zoning Inspector.

1. The Zoning Commission may make a recommendation to the Zoning Inspector. In the event the Zoning Commission fails to make a recommendation within 60 days from the date the application was determined complete and the applicant does not agree to an extension of the time for review by the Zoning Commission, the Zoning Inspector shall make a decision without a recommendation from the Zoning Commission at the end of the 60 day period.
2. The Zoning Inspector shall review all recommendations from the Zoning Commission.

3. The Zoning Inspector shall act on the development plan by:
  - a) Approving the development plan submitted; or
  - b) Approving the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets; or
  - c) Denying the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.

#### **SECTION 230.07 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.**

An approved development plan shall remain valid for a period of 12 months following the date of its approval,

- A. General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

#### **SECTION 230.08 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS.**

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Chapter.



**CHAPTER 240**  
**Planned Unit Development Procedures**

240.01      Planned Unit Developments Prohibited in Jackson Township.

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**SECTION 240.01      PLANNED UNIT DEVELOPMENTS PROHIBITED IN JACKSON TOWNSHIP.**

According to ORC § 519.021, a township has the authority to determine for itself whether or not provisions enabling planned unit developments are included in the township's zoning resolution. The purpose of this Chapter is to clearly state that planned unit developments are not permitted in Jackson Township.



## CHAPTER 250

### Conditional Use Permits and Similar Uses

250.01	Purpose.	250.07	Review criteria.
250.02	Submission of application.	250.08	Action by Board of Zoning Appeals.
250.03	Review for completeness.	250.09	Terms and duration of conditional use permit.
250.04	Distribution of application.	250.10	Reapplication.
250.05	Notification to Zoning Commission.	250.11	Similar use determination.
250.06	Public hearing and notice by Board of Zoning Appeals.		

#### **SECTION 250.01 PURPOSE.**

When a proposed use is permitted in a zoning district as a conditional use, as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following.

#### **SECTION 250.02 SUBMISSION OF APPLICATION.**

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional use permit accompanied by payment of the required fee established by the Trustees. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent and characteristics and shall include the following:

- A. A development plan and associated documentation as required in Section 230.05 unless specific items required in Section 230.05 are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.
- B. The last known names and addresses of the owners of all properties lying within 500 feet of any part of the property on which the conditional use is proposed, including property located in an adjoining community.

#### **SECTION 250.03 REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall review the submitted application to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Board of Zoning Appeals.

**SECTION 250.04 DISTRIBUTION OF APPLICATION.**

The Zoning Inspector shall forward the application to the Board of Zoning Appeals at least 10 days prior to the Board of Zoning Appeals next scheduled meeting to allow reasonable time for study and review.

- A. The application may also be transmitted to the appropriate administrative departments and professional consultants for review and comment.
- B. Any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

**SECTION 250.05 NOTIFICATION TO ZONING COMMISSION.**

Simultaneously to transmission of the application to the Board of Zoning Appeals, the Zoning Inspector shall notify the Zoning Commission of the application for conditional use permit. The Zoning Commission may review the conditional use permit application and submit an opinion to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

**SECTION 250.06 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing on the application. Notice of such public hearing shall be provided according to the following:

- A. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use.
- B. Written notice shall be sent by first class mail to the property owners within 500 feet of the property line of the property on which the use is proposed and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. Property that is located in an adjoining community that satisfies these requirements shall be included in such notice.
- C. Published notice shall be given in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing.
- D. Failure of delivery of such notices shall not invalidate action taken on such application.

**SECTION 250.07 REVIEW CRITERIA.**

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Chapter 390 of this Resolution, is satisfied by the establishment and operation of the proposed use. In addition, the Board of Zoning Appeals:

- A. Shall review the development plan for the proposed conditional use.
- B. Shall review any request for variance of any regulation set forth in this Zoning Resolution pertaining to the proposed conditional use, according to variance procedures set forth in Chapter 260.
- C. May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

#### **SECTION 250.08 ACTION BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall take one of the following actions:

- A. If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the application for conditional use permit. As part of the approval, the Board of Zoning Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Resolution for the protection of individual property rights and the public health, safety and general welfare of the community and ensuring that the intent and objective of this Zoning Resolution are observed. Approval of the application authorizes the Zoning Inspector to issue the conditional use permit. One copy of the plans shall be returned to the applicant by the Zoning Inspector after the Zoning Inspector signs, dates and notes the copy as approved. One copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the subject property, attesting to the fact the activity is in conformance with the provisions of this Resolution.
- B. If the proposed structure or use, as proposed, would violate one or more provisions of this Resolution, the Board of Zoning Appeals shall reject the application. In such case, the Board of Zoning Appeals shall state on the application the reason for the denial, including the regulation(s) which would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the development plan, signed, dated and noted as disapproved.

Failure of the Board of Zoning Appeals to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the application.

#### **SECTION 250.09 TERMS AND DURATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit shall expire one year from the date of approval, unless substantial progress is accomplished or as otherwise specifically approved by Board of Zoning Appeals. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional use permit granted, and shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as per Chapter 270. A conditional

use permit issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate.

#### **SECTION 250.10 REAPPLICATION.**

No re-application for a conditional use permit shall be accepted by the Zoning Inspector until the expiration of one year after the denial or revocation, unless the re-application is based on newly discovered evidence, not discoverable at the time of the previous public hearing, sufficient to justify another hearing as determined by the Board of Zoning Appeals. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

#### **SECTION 250.11 SIMILAR USE DETERMINATION.**

When a proposed use is not listed or provided for in this Resolution, the Board of Zoning Appeals shall decide if the proposed use is similar to a use specifically provided for in this Resolution.

A. Determination. The Board of Zoning Appeals shall determine that:

1. The proposed use is similar because:
  - a) It is of the same general character as the uses permitted in the district in which the use is proposed; and/or
  - b) It is similar to a particular use permitted in the district in which the use is proposed; and
  - c) It is consistent with the purpose statement for the district in which such use is proposed.
2. The proposed use is not similar because it is permitted in another district;

B. Assignment to Districts. Once that a use is determined to be a similar use, the similar use shall be permitted in those districts that allow the principal or conditional use that is most similar.

1. The initial determination of a similar use shall be approved in accordance with the conditional use procedures set forth in Sections 250.02 thru 250.09, including the requirement for a public hearing.
2. Following such determination, the similar use shall be considered to be added to the permitted use list for the district(s), either as a permitted principal use or as a conditional use, as determined by the Board of Zoning Appeals.

## CHAPTER 260

### Appeals and Variances

260.01	Appeals to the Board of Zoning Appeals.	260.04	Stay of proceedings.
260.02	Initiation of appeal.	260.05	Review of appeal.
260.03	Public hearing by the Board.	260.06	Decision of the Board.
		260.07	Variance as a type of appeal.

#### **SECTION 260.01 APPEALS TO THE BOARD OF ZONING APPEALS.**

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer, board or department of the Township, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector or by any administrative officer deciding matters relating to this Zoning Resolution.

#### **SECTION 260.02 INITIATION OF APPEAL.**

Notice of appeal shall be filed with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals within 20 days after the date of any adverse order, requirement, decision, or determination. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. The officer from whom the appeal is taken shall transmit to the secretary of the Board of Zoning Appeals all data pertaining to the subject matter upon which the action so appealed was taken.

#### **SECTION 260.03 PUBLIC HEARING BY THE BOARD.**

Upon receipt of the material related to the proposed action, The Board of Zoning Appeals shall set a date for a public hearing to consider the appeal.

- A. Notice of such hearing stating the time, place, and object of the hearing shall be sent by first class mail, addressed to the parties making the request for appeal, at least 10 days prior to the date of the scheduled hearing. Not less than 10 days prior to the date set for such hearing or appeal, written notice of such hearing shall be sent by first class mail to any person, firm, or corporation owning premises located within 500 feet of the property line to which such appeal or application relates and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. Failure of delivery of such notice shall not invalidate action taken on such application.
- B. The appellant may be represented in person or by his or her agent at the hearing. A report of the facts in the case shall be presented by the Zoning Inspector. Any resident or property owner affected or potentially affected by the appeal shall be given the opportunity to be heard.

- C. The Board may recess such hearings in order to permit additional information to be presented, or to cause further notice to be given to other property owners likely to be affected by such appeal. If the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

#### **SECTION 260.04 STAY OF PROCEEDINGS.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by either the Board of Zoning Appeals or a court having lawful jurisdiction.

#### **SECTION 260.05 REVIEW OF APPEAL.**

The Board of Zoning Appeals shall review the appeal. To aid in their review, the Board of Zoning Appeals may transmit the application to appropriate township departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board's review. The cost of the review by a consultant shall be the expense of the applicant.

#### **SECTION 260.06 DECISION OF THE BOARD.**

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the requirement, decision, or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal is taken, and it may direct the issuance of a zoning permit.

- A. The Board shall render a decision on the appeal without unreasonable delay.
- B. If the Board fails to act within 60 days from the date the appeal was filed, or an extended period of time as may be agreed upon, the appellant may assume the appeal has been denied.
- C. Within 5 days of the Board's decision, the secretary of the Board shall send written notification of the decision to the appellant and the Zoning Inspector.
- D. Once the appellant has received the Board's decision, he/she may submit an application for a zoning permit or a conditional use permit that complies with the Board of Zoning Appeal's decision. A copy of the Board of Zoning Appeal's decision shall be attached to the application.



**SECTION 260.07 VARIANCES AS A TYPE OF APPEAL.**

The Board Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest according to the following procedures:

A. Application Requirements. Eight copies of an application for a variance and payment of the required fee shall be filed with the Zoning Inspector for review by the Board of Zoning Appeals. The application shall include the following items necessary to convey reason(s) for the requested variance:

1. The completed application form, notarized, including the name, address, and phone number of applicant(s);
2. Proof of ownership, legal interest, or written authority;
3. A site plan of the lot drawn to scale showing the exact dimensions and area of the lot to be built upon or utilized. Plans shall show dimensions, location of existing and proposed buildings, and any significant natural or topographic features;
4. Architectural plan including floor plans, elevations and other architectural drawings at a reasonable scale to convey the need for the variance;
5. Narrative statements establishing and substantiating the justification for the variance pursuant to subsection B below;
6. Any other documents deemed necessary by the Zoning Inspector.

Upon receipt of a written request for a variance, the Zoning Inspector shall within a reasonable amount of time make a preliminary review of the request to determine whether such application provides the information necessary for review and evaluation. If it is determined that such application does not provide the information necessary for such review and evaluation, the Zoning Inspector shall so advise the applicant of the deficiencies and shall not further process the application until the deficiency is corrected.

B. Review by the Board of Zoning Appeals. According to the procedures established for appeals in Section 260.03, the Board shall hold a public hearing and give notice of the same. The Board shall review each application for a variance to determine if it complies with the purpose and intent of this Resolution and evidence demonstrates that the literal enforcement of this Resolution will result in unnecessary hardship or practical difficulty. There are two categories of variances: those relating to use and those relating to area requirements.

1. Area Variance. The following factors shall be considered and weighed by the Board in determining practical difficulty for an area variance:
  - a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special

- conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - f) Whether the property owner purchased the property with knowledge (or would be expected to have known) of the zoning restriction(s).
  - g) Whether special conditions or circumstances exist as a result of actions of the owner;
  - h) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
  - i) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - j) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
2. Use Variance. In order to grant a use variance, the Board of Zoning Appeals shall determine that a literal enforcement of this Zoning Resolution will result in unnecessary hardship to the applicant and such hardship is demonstrated by clear and convincing evidence as to all of the following criteria:
- a) The property cannot be put to any economically viable use under any of the permitted or conditional uses in the zoning district;
  - b) The variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zoning district;
  - c) The hardship condition is not created by actions of the applicant;
  - d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - e) The granting of the variance will not adversely affect the public health, safety or general welfare; and

- f) The variance will be consistent with the general spirit and intent of the Zoning Resolution.
3. Cumulative Effect. The Board shall consider what the cumulative effect would be if all lots with the same situation as the applicant for the variance were to be granted the requested variance.
4. No Detrimental Effects. The Board must find that there will be no substantial detriment to any surrounding property and that the intent and purpose of this Zoning Resolution are not impaired.
5. Nonconforming use, land, structure or building. No nonconforming 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.
- C. Requests for Additional Information. The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance.
- D. Additional Conditions and Safeguards. The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met.
- E. Limitations on the Granting of Variances. Any variance approved shall be the minimum necessary.
- F. Action by the Board. The Board shall either approve, approve with supplementary conditions as specified in subsection D above, or disapprove the request for a variance according to the procedures established for appeals in Section 260.06. The Board shall further find that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
- G. Reapplication. If a variance has been denied by the Board, the Board need not reconsider the same request for a variance if resubmitted within one (1) year after the date of the Board's decision, unless the underlying conditions have substantially changed.
- H. Term and Extension of Variance. Variances shall expire one year from the date of their enactment, unless prior thereto, construction has begun in accordance with the granted variance. Construction is deemed to have begun when all necessary excavation and piers or footers of the structure included in the application have been completed. There shall be no modification of variances except by further consideration of the Board of Zoning Appeals. Requests for renewal of expired variances shall be considered the same as an application for a variance and shall meet all requirements for application and review pursuant to this Section.



**CHAPTER 270****Enforcement**

270.01	Zoning Inspector to enforce resolution.	270.03	Actions to bring about compliance with zoning regulations.
270.02	Zoning violation.	270.04	Penalty.

**SECTION 270.01 ZONING INSPECTOR TO ENFORCE RESOLUTION.**

The provisions of this Resolution shall be enforced by the Township Zoning Inspector, who shall be appointed by the Board of Township Trustees. The Zoning inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of the possible violation. The Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

**SECTION 270.02 ZONING VIOLATION.**

Violations of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution, shall constitute a misdemeanor. 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 provided herein.

**SECTION 270.03 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS.**

- A. Notification. The Zoning Inspector shall, upon inspection and identification of a zoning violation, order the landowner or responsible party in writing to remedy the violation. After such order is served to the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.
- B. Correction Period. All violations shall be corrected within a period of 30 days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.
- C. Action. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of this Resolution, the Board of Township Trustees, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, proceeding or

proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

**SECTION 270.04 PENALTY.**

Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction be fined the amount specified in Section 519.99 of the Ohio Revised Code for each offense and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense.

## CHAPTER 290

### Amendments

<p>290.01 Authority for amendments.</p> <p>290.02 Initiation of zoning amendments.</p> <p>290.03 Amendments initiated by property owners.</p> <p>290.04 Amendments initiated by Zoning Commission or Board of Trustees.</p> <p>290.05 Submission to the Mahoning County Planning Commission.</p> <p>290.06 Public hearing and notice by Zoning Commission.</p>	<p>290.07 Recommendation by Zoning Commission.</p> <p>290.08 Transmittal to Board of Trustees.</p> <p>290.09 Public hearing and notice by Board of Trustees.</p> <p>290.10 Guidelines when considering amendments to the zoning map.</p> <p>290.11 Action by the Board of Trustees.</p> <p>290.12 Effective date and referendum.</p> <p>290.13 Reapplication.</p>
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#### **SECTION 290.01 AUTHORITY FOR AMENDMENTS.**

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.

#### **SECTION 290.02 INITIATION OF ZONING AMENDMENTS.**

Amendments to this Resolution may be initiated in one (1) of the following ways:

- A. By adoption of a motion by the Zoning Commission;
- B. By adoption of a resolution by the Board of Township Trustees;
- C. By filing an application by one (1) or more of the owners or lessees of property or developer with an option to purchase such property within the area proposed to be changed or affected by said amendment.

#### **SECTION 290.03 AMENDMENTS INITIATED BY PROPERTY OWNER(S).**

An application for an amendment initiated by at least one owner or lessee of property or developer with an option to purchase such property within the area to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- A. Discussion with Zoning Commission. Prior to submitting an application for an amendment to the Zoning Resolution, the applicant may appear before the Zoning Commission to

informally discuss the proposed amendment. However, no action shall be taken at such a meeting and no discussion, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval of the application.

B. Application Requirements. Applications for proposed amendments shall be submitted to the Zoning Inspector and shall contain at least the following information, unless otherwise instructed by the Zoning Commission during the preliminary discussion in Subsection 290.03A:

1. Names, address, and phone number of applicant and the property owner if other than the applicant;
2. Proposed amendment;
3. A statement of the reason(s) for the proposed amendment;
4. Payment of the fee as established by the Board of Township Trustees;
5. Amendments to the Zoning Map adopted as part of this Zoning Resolution shall contain the following additional information:
  - a) An accurate legal description of the parcel(s) to be rezoned, drawn by a registered surveyor;
  - b) Present use and zoning district;
  - c) Proposed use and zoning district;
  - d) A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector or Zoning Commission may require;
  - e) A list of all property owners lying within 500 feet of any part of the property on which the zoning amendment is requested, including their addresses and permanent parcel number as they appear on the County Auditor's current tax list; and
  - f) Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 500 feet outside the proposed site, and including property lines, easements, street right-of-ways, existing structures, tree and landscaping features existing thereon.

C. Transmittal to Zoning Commission. Immediately after the filing of an application by an owner, lessee of property or developer with an option to purchase such property, the Zoning Inspector shall transmit the application to the Zoning Commission to begin the adoption process set forth in Sections 290.05 through 290.11.



**SECTION 290.04 AMENDMENTS INITIATED BY ZONING COMMISSION OR BOARD OF TRUSTEES.**

After the adoption of a motion by the Zoning Commission or the transmittal of a resolution by the Board of Trustees, the motion or resolution shall be reviewed and considered by the Zoning Commission and Trustees according to the process set forth in Sections 290.05 through 290.11.

**SECTION 290.05 SUBMISSION TO THE MAHONING COUNTY PLANNING COMMISSION.**

Within five (5) days after the adoption of a motion by the Zoning 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 contents listed in Subsection 290.03B above, to the Mahoning County Regional Planning Commission.

- A. The Mahoning County Regional Planning Commission shall recommend one of the following:
  - 1. Approval of the amendment as requested;
  - 2. Denial of the proposed amendment; or
  - 3. Approval of some modification of the proposed amendment.
- B. The Mahoning County Regional Planning Commission shall submit such recommendation to the Zoning Commission and such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

**SECTION 290.06 PUBLIC HEARING AND NOTICE BY ZONING COMMISSION.**

The Zoning Commission shall schedule a public hearing, not less than 20 nor more than 40 days after the adoption of a motion, transmittal of a resolution, or the filing of an application. Notice of the public hearing shall comply with the following:

- A. The Zoning Commission shall give notice of such hearing by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least 10 days prior to the date of the hearing. The published notice shall include:
  - 1. The time and place of the public hearing;
  - 2. A summary of the proposed amendment;
  - 3. A statement that opportunity to be heard will be afforded to any person interested, and

4. The time and place where the text and/or maps proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;
  5. 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 proposed amendment intends to rezone or redistrict 10 or fewer parcels of land, as listed on the County Auditor's current tax list:
1. Written notice of the hearing shall be mailed by the Zoning Commission, by first class mail at least 10 days before the day of the public hearing, and to all owners of property within 500 feet of such area proposed to be rezoned or redistricted to the names and addresses of owners as shown upon the County Auditor's current tax list or the treasurer's mailing list.
  2. The notice shall contain the same information as required of notices published in newspapers as specified in Subsection A. above.
  3. Failure of delivery of such notice shall not invalidate any such amendment.

**SECTION 290.07 RECOMMENDATION BY THE ZONING COMMISSION.**

The Zoning Commission shall, within 30 days after such public hearing, recommend one of the following:

- A. That the amendment be approved as requested;
- B. That the amendment be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or
- C. That the amendment be denied. If no action has been taken by Zoning Commission within 30 days from the conclusion of the public hearing, unless extended by the Zoning Commission with written consent of the applicant, then the proposed amendment shall be deemed to have been denied by the Zoning Commission.

**SECTION 290.08 TRANSMITTAL TO BOARD OF TRUSTEES.**

The secretary of the Zoning Commission shall forthwith submit to the Trustees the recommendation of the Mahoning County Regional Planning Commission and either the recommendation of the Zoning Commission or the fact that the Zoning Commission has not made a recommendation on such application within its allotted time period.

**SECTION 290.09 PUBLIC HEARING AND NOTICE BY BOARD OF TRUSTEES.**

- A. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall set a time for a public hearing on the proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
- B. The Trustees shall give notice of the public hearing by at least one publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of the required hearing. The published notice shall include:
  - 1. The time and place of the public hearing;
  - 2. A summary of the proposed amendment; and
  - 3. A statement that opportunity to be heard will be afforded to any person interested.
- C. During the 10 days prior to the public hearing, the text of the proposed amendment, the maps or plans, if applicable, and the recommendations of the Zoning Commission shall be on file for public examination in the office of the Clerk of Township or in such other office as is designated by Trustees.

**SECTION 290.10 GUIDELINES WHEN CONSIDERING AMENDMENTS TO THE ZONING MAP.**

In evaluating proposed amendments to the zoning map, the Zoning Commission and Board of Trustees may consider any or all of the following:

- A. The desirability of such uses in the area and/or on the site proposed for such zoning district;
- B. The need for and availability of centralized water and sewer facilities;
- C. Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

**SECTION 290.11 ACTION BY THE BOARD OF TRUSTEES.**

Within 20 days after the public hearing required by Section 290.09 above, the Board of Township Trustees shall act on the proposed amendment.

- A. The Trustee's action shall either:
  - 1. Adopt the recommendation of the Zoning Commission;
  - 2. Deny the recommendation of the Zoning Commission; or
  - 3. Adopt some modification thereof.
- B. In the event that the Trustees adopt the recommendation of the Zoning Commission, concurrence by a majority of the Trustees shall be required.
- C. In the event that the Trustees elect to overrule or modify the recommendation of the Zoning Commission, the unanimous vote of all three Trustees shall be required. If the Trustees fail

to obtain a unanimous vote, the recommendation of the Commission shall be considered as approved.

- D. Any such proposal may be amended prior to the voting thereon by Trustees without further notice or postponement, if such amendment to the proposal shall be germane to the subject matter thereof and is in accordance with the recommendation of the Commission. The Trustees' approval, with modification of the recommendation of the Commission, shall not be considered as overruling such Commission recommendation.

#### **SECTION 290.12 EFFECTIVE DATE AND REFERENDUM.**

Amendments adopted by the Trustees shall become effective in 30 days after the date of adoption unless within 30 days after the adoption of the amendment, there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township equal to not less than eight 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, requested the Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

- A. Each part of such petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents.
- B. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

#### **SECTION 290.13 REAPPLICATION.**

Whenever the Township Trustees deny an application for a zoning map amendment, such application shall not be resubmitted for consideration until the expiration of one year from the date of the Trustees' action unless the applicant clearly demonstrates that:

- A. Circumstances affecting the property that is the subject of the application have substantially changed; or
- B. New information is available that could not with reasonable diligence have been presented at the previous set of hearings.

## ARTICLE III DISTRICT REGULATIONS

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### CHAPTER 310

#### Residential Districts

310.01	Purpose.	310.08	Accessory uses.
310.02	Use regulations.	310.09	Home occupations.
310.03	Schedule of permitted uses.	310.10	Family day care home type "B".
310.04	Lot requirements.	310.11	Adult family homes and family homes for handicapped persons.
310.05	Yard requirements.	310.12	Agricultural uses.
310.06	Dwelling unit requirements.		
310.07	Height requirements.		

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#### SECTION 310.01 PURPOSE.

Residential Districts (A-SER, R-1 and R-2) and their regulations are established in order to achieve the following purposes:

- A. To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces for each unit appropriate for the various districts;
- B. To regulate the density and distribution of population, avoid congestion, and provide adequate public services;
- C. To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities;
- D. To carry out the following specific purposes:
  1. The A-SER Agricultural/Suburban Estate Residential District is established to preserve and protect the decreasing supply of prime agricultural land and open space and to permit a degree of low-density development of a rural non-farm nature at approximately one dwelling unit per every four (4) acres.
  2. The R-1 Single-Family Residential District is established to permit the development of single-family dwellings on lots with a minimum area of 20,000 square feet when serviced by centralized water and sewer facilities and two (2) acres when not.
  3. The R-2 Single-Family and Two-Family Residential District is established to permit single-family and two-family dwellings on lots with a minimum area of

33,000 square feet when serviced by centralized water and sewer facilities and two (2) acres when not.

4. The R-3 Multi-Family Residential District was repealed on August 6, 2002.

#### **SECTION 310.02 USE REGULATIONS.**

- A. A use listed in Schedule 310.03 shall be permitted by right as a principal use in a district when denoted by the letter "P", provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 310.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 250;
- C. A use listed in Schedule 310.03 shall be permitted as an accessory use in a residential district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in Section 310.08.
- D. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question.
- E. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 290 or upon a finding that a use is substantially similar as provided in Section 250.11.

**SECTION 310.03 SCHEDULE OF PERMITTED USES.**

	A-SER Agriculture- Suburban Estate	R-1 Single-Family	R-2 Two-Family
<b>A. Residential</b>			
1. Single-family dwelling	P	P	P
2. Two-family dwelling			P
3. Congregate care, including assisted living and/or nursing home	C	C	C
4. Adult family home	C	C	C
5. Family home for handicapped persons	P	P	P
6. Group home for handicapped persons			C
<b>B. Community Facilities</b>			
1. Day care center, children and/or adult	C	C	C
2. Family child day care home "type B"	P	P	P
3. Place of worship	C	C	C
4. Public safety facility	C	C	C
5. School, public or private	C	C	C
<b>C. Open Space/Recreational</b>			
1. Agriculture use	See Section 310.12		
2. Amusement park	C		
3. Commercial campground	C		
4. Golf course	C	C	C
5. Park, playground	C	C	C
6. Swimming pool - principal use of a lot	C	C	C
<b>D. Other</b>			
1. Aircraft landing field	C		
2. Cemetery	C	C	
3. Gas, oil, or salt water well	C	C	C
4. Kennel	C		
5. Public utility substation	C	C	C
6. Quarry, sand pit, or gravel pit	C		
P = Principal use permitted by right. C = Conditionally permitted use. A = Permitted accessory use. Blank cell indicates use not permitted in district.			



	A-SER Agriculture- Suburban Estate	R-1 Single-Family	R-2 Two-Family
7. Wireless telecommunication facility	See Chapter 450		
8. Small wind energy systems.	C	C	C
<b>E. Accessory Buildings And Uses</b>			
1. Fences, walls	A	A	A
2. Home occupation	A	A	A
3. Outdoor storage of recreations vehicle	A	A	A
4. Private garage and other out buildings	A	A	A
5. Roadside stand	A	A	A
6. Satellite antennas	A	A	A
7. Swimming pool	A	A	A
P = Principal use permitted by right. C = Conditionally permitted use. A = Permitted accessory use Blank cell indicates use not permitted in district.			

**SECTION 310.04 LOT REQUIREMENTS.**

Lots created in A-SER, R-1 or R-2 districts shall comply with the area and dimension requirements specified in Schedule 310.04 for the district in which the lot is located.

- A. Minimum Lot Area and Width. The area and width of a lot shall not be less than the area and width set forth in Schedule 310.04.
- B. Minimum Lot Frontage. Each lot shall have the minimum frontage on a public or private street that is not less than required for the lot width, except for lots or cul-de-sacs as set forth in Schedule 310.04 and flag lots as specified below.
- C. Flag Lots. A flag lot may be developed as a conditional use in the A-SER District when it complies with the requirements for flag lots set forth in Chapter 390.
- D. One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot in an A-SER, R-1 or R-2 District.



E. **Schedule 310.04 Minimum Lot Requirements.**

	A-SER Agriculture Suburban Estate	R-1 Single-Family District	R-2 Two-Family District
1. Area			
a. Lots serviced by centralized water and sewer facilities	4 acres	20,000 sf	33,000 sf
b. All other lots	4 acres	2 acres	2 acres
2. Lot Width (measured at bldg. line) <sup>(a)</sup>			
a. Lots serviced by centralized water and sewer facilities	200 ft.	100 ft.	125 ft.
b. All other lots	200 ft.	150 ft.	150 ft.
3. Minimum frontage for lots on cul-de-sacs			
a. Lots serviced by centralized water and sewer facilities	NA	75 ft.	100 ft.
b. All other lots	NA	NA	NA
<p><u>Notes to Schedule 310.04:</u></p> <p>(a) Lot frontage shall comply with the minimum lot width requirement except as otherwise permitted for lots on cul-de-sacs.</p> <p>NA = Not Applicable</p>			

**SECTION 310.05 YARD REQUIREMENTS.**

Principal buildings in A-SER, R-1 and R-2 Districts shall be located on a lot in a manner that maintains the minimum required yards set forth in this section for the district in which the lot is located. Every part of a required yard shall be unobstructed and open to the sky, except as otherwise specifically permitted in this Chapter.

A. Required Front Yard. Each lot shall maintain a front yard in compliance with the following:

1. Each front yard shall not be less than the depth specified in Schedule 310.05 and shall be measured from the street right-of-way line. If there is no established right-of-way line for the street, the right-of-way line shall be deemed to be 30 feet from the centerline of the roadway.
2. Notwithstanding Subsection A1 above, where there are existing buildings which have a front yard depth that is less than the required front yard specified in

Schedule 310.05, the minimum front yard shall be determined by the mean depth of the front yards of the existing buildings, within 150 feet on each side of the proposed building and fronting on the same side of the street. No building shall be required to be placed more than 75 feet back from the front property line.

3. Through lots shall comply with the front yard setback for each street on which the lot has frontage.
- B. Required Side Yards. Each interior and through lot shall have and maintain two side yards. Schedule 310.05 sets forth the minimum width of any one side yard and the minimum total width of both side yards.
- C. Required Rear Yards. Each lot shall maintain a rear yard as specified in Schedule 310.05.
- D. Side Yards for Corner Lots. Corner lots shall maintain the following yard requirements.
1. Corner Side Yard. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side yard that complies with the following:
    - a) When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, the corner side yard shall be greater of:
      - 1) The corner side yard of the abutting corner lot; or
      - 2) Twenty feet.
    - b) When the rear lot line of a corner lot coincides with the side lot line of an interior lot. The corner side yard shall comply with the requirements for a front yard, including subsection A2 above for front yard dimensions on built-up blocks.
  2. Interior Side Yard. The width of a side yard along the interior side lot line shall not be less than the minimum required for one side yard as set forth in Schedule 310.05.

E. **Schedule 310.05 Minimum Yard Requirements.**

	A-SER Agriculture Suburban Estate District	R-1 Single-Family District	R-2 Two-Family District
1. Front	75 ft.	75 ft.	75 ft.
2. Side Yard			
a. Minimum for any one side yard	10 ft.	15 ft.	20 ft.
b. Minimum total for both	50 ft.	30 ft.	45 ft.
3. Rear Yard	80 ft.	40 ft.	40 ft.
4. Corner Lot	(a)	(a)	(a)
<u>Notes to Schedule 310.5:</u>			
(a) See Subsection 310.5D above.			

**SECTION 310.06 DWELLING UNIT REQUIREMENTS.**

In order to promote healthful living conditions and to stabilize the value and character of residential areas, all dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following:

A. Required Area.

1. Single-family dwelling units shall have a minimum dwelling unit floor area of 1,300 square feet and a minimum foundation area of 800 square feet.
2. Two-family dwelling units shall have a minimum dwelling unit floor area of 1,000 square feet per unit and a minimum foundation area of 800 square feet.

B. One Story Above Ground. All dwellings shall have at least one story above ground level and shall have a continuous and complete solid concrete or masonry perimeter foundation installed to a depth below the frost line.

C. Siting Requirements for Dwellings. All single-family dwellings and two-family dwellings proposed to be located in any district shall comply with the following requirements to ensure that all dwelling units are permanently sited:

1. The structure shall be installed upon and properly attached to a permanent foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line in compliance with the Mahoning County Building Department regulations.

2. Any hitches, axles, wheels, and conveyance mechanisms from factory-built housing shall be removed from the structure.
  3. The structure shall be connected to appropriate utilities.
  4. The structure shall have a length of at least 22 feet and a width of at least 22 feet, as manufactured, and excluding garage, porch or attachments or additions.
  5. The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.
  6. All portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery, and /or other appropriate ground cover or landscaping material. All landscaping shall be adequately maintained.
- D. Conformance with Building Requirements. All dwelling units shall conform either to the OBOA or CABO One and Two-family dwelling code, or other applicable building code, or be classified as an industrial unit under the Ohio Basic Building Code, or be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. All units constructed pursuant to the HUD Code shall bear a permanent label or tag as specified in 42 U.S.C.A. 5415 certifying compliance with all federal construction and safety standards.

#### **SECTION 310.07 HEIGHT REQUIREMENTS.**

Buildings and structures shall comply with the following height regulations.

- A. The height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings shall not exceed 30 feet.
- C. Exceptions to the height regulations are set forth in Section 410.04.

**SECTION 310.08 ACCESSORY USES.**

A. Minimum Yard Requirements. Accessory structures and uses in A-SER, R-1 and R-2 Districts shall be located as set forth in Schedule 310.08. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this section.

B. **Schedule 310.08 Minimum Yard Requirements for Accessory Uses.**

Accessory Buildings/Uses	Yard Permitted	Setback from Lot Line		
		Front	Side	Rear
1. Private garage and other outbuildings	Side/rear	(a)	10 ft.	10 ft.
2. Roadside stands	Front	25 ft.	20 ft.	20 ft.
3. Swimming pools	Rear	NP	10 ft.	10 ft.
4. Outdoor storage areas for recreational vehicles and equipment	Side/rear	NP	10 ft.	20 ft.
5. Fences, walls including retaining walls	Front/side/rear	0	0	0
6. Patios, decks and open porches that do not extend more than 2 feet above grade	Side/rear	(a)	(a)	10 ft.
7. Covered or enclosed porches	Considered part of the dwelling unit and shall comply with the yard requirements set forth in Schedule 310.05			
<p><u>Notes to Schedule 310.08:</u>                      (a) Same as required for dwelling unit.                      ft. = feet                      NP = not permitted</p>				

C. Maximum Floor Area of Accessory Buildings and Structures in A-SER, R-1 and R-2 Districts. Administrative change effective 8-19-03

1. The rear yard devoted to an accessory structure or use, including terraces, decks, and patios shall not exceed the ground floor area of the dwelling including the attached garage, or 30% of the rear yard, whichever is less.
2. Roadside stands in a front yard shall not exceed 1,000 square feet or 50% of floor area of principal building, whichever is less.
3. Agricultural accessory buildings and structures shall comply with Section 310.12.

D. Private Garages and Other Outbuildings. No living quarters (dwelling unit) shall be placed in any portion of a detached garage or outbuilding.

- E. Fences, Walls and Hedges. Fences, walls and hedges shall comply with the following regulations:
1. Definitions.
    - a) Open Fence. A fence intended for decorative purposes having at least 50 percent of its vertical surface area open when viewed at right angles.
    - b) Privacy Fence. A fence intended to inhibit public view and provide seclusion and when viewed at right angles, has more than 50% of the area of its vertical surface closed to light and air.
  2. Front Yards. An open fence or retaining wall shall be permitted in a front yard, providing such fence or wall does not exceed four (4) feet in height above the natural grade.
  3. Side or Rear Yards. Privacy fences, open fences, and walls shall be permitted in a side or rear yard providing such fence or wall does not exceed six (6) feet in height above the natural grade.
  4. Hedges. Hedges or other plant material that are intended to form a living fence shall be so located so that future growth shall not extend over an adjoining lot line.
  5. Visibility at Intersections. Fences, walls, and hedges shall comply with Section 410.06 to prevent obstructing the view of motorists or pedestrians.
  6. Construction, Maintenance and Repair. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. All horizontal, diagonal or supporting members shall be on the owner's side of the fence. The smooth, finished side of the fence or wall shall be the side of the fence that faces outward from the yard being fenced.
- F. Driveways and Parking.
1. All driveways, entrances and egresses to parcels within an A-SER District shall be made of gravel or other material, which prevents mud, soil, clay and other materials from being tracked onto roads, streets, or highways.
  2. Hard surface driveway shall be required on lots that front on streets improved with curbs, gutters and/or sidewalks.
- G. Private Swimming Pools. Private swimming pools, exclusive of portable, above-ground swimming pools with a water depth of two (2) feet or less, shall be subject to the following regulations:
1. All in-ground pools shall be entirely enclosed with a safety fence having a height not less than four (4) feet or more than six (6) feet. Such fence shall be

constructed to have no openings, holes, or gaps larger than 3 inches in any dimension, except for doors or gates.

2. Doors and gates shall be equipped with suitable locking devices to prevent unauthorized intrusion.
3. Such a fence may enclose the pool area or the entire yard area and an accessory building may be used as part of such enclosure.
4. Above ground pools shall not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions.

H. Parking or Storage of Recreational Vehicles and Equipment. Any recreational vehicle, camper or boat, on or off wheels shall be in compliance with the following regulations.

1. Not more than one recreational vehicle, camper or boat shall be parked or stored outdoors.
2. Any recreational vehicle, camper or boat that is parked or stored outside shall either be parked in the driveway or stored in a supplemental outdoor storage area, which shall be located on the lot in compliance with Schedule 310.08.
3. A recreational vehicle, camper, or boat shall be permitted to be parked in a driveway only for loading or unloading purposes and only for a period not to exceed 48 hours in any seven-day period.
4. Recreational vehicles, campers, and boats shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.
5. Any recreational vehicle or boat parked or stored outdoors shall be maintained in an operating condition and shall bear a valid license.

I. Parking of Commercial Vehicle. The outdoor parking of not more than one commercial vehicle shall be permitted on a residential lot in compliance with the following:

1. The commercial vehicle shall be limited to a vehicle used on a regular basis by the resident for the resident's occupation.
2. No maintenance, service or extended running of commercial vehicles shall be conducted on a residential lot.
3. The commercial vehicle shall have no connections to any electric, telephone, water, sewer, gas, or fuel source.
4. The outdoor parking of one commercial vehicle permitted on a residential lot shall comply with the maximum vehicle weight rating (MVWR) according to the district in which the residential lot is located as specified below:

- a) One (1) commercial vehicle with a gross vehicle weight rating (GVWR) not to exceed 11,000 pounds shall be permitted to be parked or stored in any R-1 or R-2 Residential District;
  - b) One commercial vehicle with a gross vehicle weight rating (GVWR) not to exceed 18,000 pounds shall be permitted to be parked or stored in any A-SER District.
- J. Heating and Cooling Units. Heating units and cooling coils or evaporative condensers shall be located in the rear yard and shall conform to all side and rear yard requirements for dwellings set forth in Schedule 310.05
- K. Signs. Signs shall be regulated in accordance with Chapter 430 of these regulations.
- L. Trash Containers and Incinerators. All trash containers and/or incinerators for uses other than single-family and two-family dwellings shall comply with Chapter 440 of these regulations.

#### **SECTION 310.09 HOME OCCUPATIONS.**

The purpose of this section is to set forth regulations that control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and does not in any manner whatsoever disrupt or alter the residential character of the neighborhood in which it is located. Compliance with these regulations should result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

- A. The home occupation shall be clearly incidental and secondary to the use of the principal structure for dwelling purposes.
- B. A home occupation shall occupy no more than fifty percent (50%) of the first floor living area of the dwelling unit, or twenty-five percent (25%) of the total living floor area, whichever is less.
- C. The home occupation shall be conducted entirely within the dwelling unit except that an accessory building may be used only for the storage of equipment and supplies to the extent that, at all times, the number of vehicles for which the garage was designed to accommodate shall be able to be parked in such garage. No outdoor storage or display of goods shall be permitted.
- D. No extension, addition or structural modification of the dwelling that would not be customarily incidental to a structure utilized solely for dwelling purposes shall be permitted. In no way shall the appearance of the dwelling be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, or lighting.
- E. A home occupation shall be conducted solely by a person(s) residing on the premises.



- F. No signage identifying the home occupation shall be permitted in a residential district.
- G. Teaching or instruction is restricted to individual, private instruction; class or group instruction shall not be permitted.
- H. No traffic shall be generated by such home occupation in greater volume than can be parked on the premises. Parking shall be prohibited in the front yard except in the driveway serving the premises which driveway must be no larger than that reasonably necessary to service the garage or carport on the premises.
- I. Storage of combustible or flammable matter, accumulation of rubbish, wastepaper, cartons, or boxes, in excess of normal home activities is prohibited.
- J. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
- K. No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of generating any noise, vibration, glare, fumes, odors, or electrical interference, or which is found unsafe by the Mahoning County Board of Health. The application of automotive finishes and other related processes shall not be permitted in conjunction with the operation of a home occupation.

#### **SECTION 310.10 FAMILY DAY CARE HOME, TYPE "B".**

This Zoning Resolution recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to ORC 5104.054, any type "B" family day-care home, whether certified or not certified by the county director of human services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted.

- A. A Type "B" Family Day Care Home is a permanent residence of the provider where:
  - 1. Child care is provided for 1 to 6 children; and
  - 2. No more than three children are under two years of age.
  - 3. For the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the day-care home shall be counted.
- B. Type "B" family day-care homes are a permitted accessory use in residential districts, and do not require a zoning certificate.

**SECTION 310.11 FAMILY HOMES FOR HANDICAPPED PERSONS.**

In compliance with ORC §5123.19 Family homes for handicapped persons shall be permitted by right in any residential district provided each such home complies with the following regulations.

- A. The persons residing in family home for handicapped persons shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
  - 1. The resident intends to live at the dwelling on a continuing basis; and
  - 2. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- B. Signs or other means of identification as a home for handicapped persons shall not be permitted.
- C. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished with the zoning permit application. Failure to maintain such license, certification and any other approval requirements shall constitute a violation of this Zoning Resolution.
- D. Family homes for handicapped persons shall comply with the following additional requirements:
  - 1. Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 U.S.C. §3602(h). The applicant or the placement agency shall have a continuing duty to provide such certification to the Zoning Inspector for each handicapped person who resides in the home after a zoning permit is issued.
  - 2. In order to maintain the single-family residential character of the area in which the family home for handicapped persons is located, the applicant is required and shall agree that upon termination of use of the structure as a family home for handicapped persons for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar zoning permit for the premise.
  - 3. The applicant shall comply with the applicable parking regulations of the Zoning Resolution for the type of residential structure used by the family home for handicapped persons and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

**SECTION 310.12 AGRICULTURAL USES.**

- A. According to the Ohio Revised Code §519.21, the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located shall be exempt from township zoning, except as otherwise noted in B., and a zoning permit shall not be required as set forth in Section 220.02.
- B. A township shall have the authority to regulate agricultural uses in any platted subdivision approved under ORC §711.05, 711.09, or 711.10, or in any area consisting of fifteen (15) or more lots approved under ORC §711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate. In such areas, agriculture shall comply with the following:
1. Agriculture on lots of one (1) acre or less. The raising for private use, consumption or incidental sale of fruits, vegetables, or nursery stock shall be permitted provided no products shall be sold except those which are produced on the premises.
  2. Buildings or structures incident to the use of land for agricultural purposes, including, but not limited to barns, silos and roadside stands, on lots greater than one (1) acre but not greater than five (5) acres shall comply with the following:
    - a) All buildings and structures shall comply with the setback regulations set forth in the district in which the building or structure is located, except that buildings housing animals shall comply with Subsection C, below.
    - b) Each farm shall be permitted only one roadside stand or market located on the farm property, unless otherwise permitted by the district regulations.
  3. Dairying and animal and poultry husbandry shall be permitted on lots with a minimum area of one (1) acre in compliance with the following:
    - a) Shelter for Animals. The following regulations are established for the keeping of animals:
      - 1) Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
      - 2) The area of the accessory building intended to provide shelter for one or more animals shall not exceed 1.5% of the lot area.
      - 3) Such accessory building shall be located no closer than:
        - (A) 75 feet to a street right-of-way,
        - (B) 25 feet to a side or rear lot line,

(C) 100 feet from any water well.

- b) Large Animals. A corral shall be required for large animals such as, but not limited to, horses, mules, donkeys, swine, cattle, buffalo, alpacas, and llamas.
- 1) The corral shall be located a minimum of 25 feet from any front, side or rear lot line.
  - 2) The corral shall provide at least the minimum grazing area for grazing livestock in compliance with the latest “animal units” per acre standards set forth by the County Cooperative Extension Service.
- c) Small Animals. If a fenced area is provided for small animals such as, but are not limited to, poultry, goats, sheep and mini breeds of horses, cattle and swine, but not including dogs, cats and other common household pets, the fenced area shall be located in a side or rear yard a minimum of 25 feet from any side or rear lot line.
- d) Wild Or Exotic Animals. The keeping of wild or exotic animals, is permitted in compliance with these regulations provided all federal, state, and local permits are first obtained and animal humane and safety standards are met, except for carnivorous animals or reptiles considered potentially dangerous to residents of the community.
- e) Bee-Keeping (Apiculture). All bee-keeping activities shall be a minimum of 250 feet from any residence on adjacent parcels.
- f) Maintenance.
- 1) All areas adjacent to any corral or other similar enclosure, stable or shelter, workout or training area or any other structure where animals are kept and maintained, shall be graded to drain away from such facilities to prevent ponding and insect harborage.
  - 2) All such premises shall be kept and maintained in a clean and sanitary condition.
  - 3) Animals located on such premises shall not create a nuisance by generating excessive noise or pungent odors that may pervade the area beyond the perimeter of the lot.
- C. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution.
- D. Signs shall comply with the regulations set forth in Chapter 430.

**CHAPTER 340****Business Districts**

340.01	Purpose.	340.08	Supplemental regulations for the B-2 District.
340.02	Permitted uses.	340.09	Accessory use regulations.
340.03	Schedule of permitted uses.	340.10	Landscaping and screening requirements.
340.04	Lot requirements.	340.11	Supplemental regulations for gasoline stations.
340.05	Yard requirements.	340.12	Development plan review.
340.06	Height requirements.		
340.07	Parking setback requirements.		

**SECTION 340.01 PURPOSE.**

Business districts (B-1 and B-2) and their regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations, sufficient areas for business activities and the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business and commercial uses by restricting the types of establishments that can locate in the business districts, in order to minimize impacts from noise and other influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To provide General Business Districts (B-1) for professional and administrative offices, retail and service establishments, and general business uses in locations that are adequately served by major streets and other facilities;
- E. To provide a Village Center District (B-2) for certain professional and business uses and limited residential uses in the North Jackson area and to ensure that this area is developed in a manner that reinforces the existing small town character.

**SECTION 340.02 PERMITTED USES.**

- A. A use listed in Schedule 340.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 340.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the

determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 250;

- C. A use listed below shall be permitted as an accessory use in a commercial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
1. Off-street parking and loading areas as regulated by Section 340.07 and Chapter 420.
  2. Signs as regulated by Chapter 430.
  3. Other uses of land or buildings that are clearly incident and subordinate to the principal use.
- D. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question.
- E. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 290 or upon a finding that a use is substantially similar as provided in Section 250.11.

**SECTION 340.03 SCHEDULE OF PERMITTED USES.**

	<b>B-1 General Business</b>	<b>B-2 Village Center</b>
<b>Residential Uses</b>		
1. Single-family dwelling		P
2. Two-family dwelling		P
3. Residential unit above first floor of a commercial building		P
<b>Offices</b>		
4. Administrative, executive, professional offices including medical offices and allied services	P	P
5. Business office with only samples of products	P	P
6. Research and testing laboratory	C	
<b>Retail/Services</b>		
7. Retail in wholly enclosed building	P	P
8. Drive-thru facility in association with principal use	P	C
9. Hotel/motel	P	
10. Personal services such as, but not limited to, barber shops, beauty shops, shoe repair, watch repair	P	P
11. Restaurant	P	P
12. Studio for instruction for arts, photography, etc	P	P
13. Veterinary hospital	P	P
<b>Automotive Oriented Businesses</b>		
14. Car wash	P	C
15. Automobile sales – new lot dealership or used car lot	C	
16. Gasoline station	P	C
17. Automobile service station	C	
18. Automobile repair station	C	
<b>Community Facilities</b>		
19. Place of worship	C	C
20. Congregate care facility, including assisted living and/or nursing home	C	
21. Hospital, urgent care clinic	C	
22. Day care center, child and/or adult	C	
P = Principal use permitted by right. C = Conditionally permitted use. Blank cell indicates use not permitted in district.		

	B-1 General Business	B-2 Village Center
<b>Entertainment/Recreation</b>		
23. Game room	C	
24. Party center, banquet hall, meeting facility	C	
25. Indoor recreation facility, including membership/sports fitness center	C	
26. Outdoor recreation facility	C	
27. Indoor entertainment including theaters and dance floors	C	
<b>Other</b>		
28. Funeral home	C	
29. Outdoor display	C	
30. Public safety facility	C	C
31. Gas, oil, or salt water well	C	C
32. Wireless telecommunication facility	See Chapter 450	
33. Small Wind Energy Systems	C	C
P = Principal use permitted by right. C = Conditionally permitted use. Blank cell indicates use not permitted in district.		

**SECTION 340.04 LOT REQUIREMENTS.**

The lot requirements for uses in Business Districts are specified in Schedule 340.04 below.

**Schedule 340.04 Minimum Lot Requirements.**

	B-1 General Business	B-2 Village Center
A. Minimum lot area	30,000 square feet	30,000 square feet
B. Minimum lot width and minimum lot frontage	150 feet	100 feet



**SECTION 340.05 YARD REQUIREMENTS.**

Every building shall be located on a lot so as to create and maintain the yard required in Schedule 340.05 below.

- A. Yards for Joint Developments. Separate buildings on separate parcels may be placed side by side as part of a joint development when approved by the Zoning Inspector.

**Schedule 340.05 Minimum Yard Requirements.**

	B-1 General Business	B-2 Village Center
1. Front yard (measured from street right-of-way)	65 feet	50 feet
2. Side and rear yard (measured from lot line).		
a. Adjacent to non-residential district	20 feet	10 feet
b. Adjacent to residential district	40 feet	30 feet

**SECTION 340.06 HEIGHT REGULATIONS.**

Buildings and structures shall not exceed 35 feet in height except as otherwise permitted in Section 410.04.

**SECTION 340.07 PARKING SETBACK REQUIREMENTS.**

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 340.07 unless otherwise noted.

**Schedule 340.07 Parking Requirements.**

	B-1 General Business	B-2 Village Center
1. Setback from street right-of-way	20 feet	10 feet
2. Setback from side and rear lot line		
a. Adjacent to non-residential district	10 feet <sup>(a)</sup>	10 feet <sup>(a)(b)</sup>
b. Adjacent to residential district	40 feet	20 feet

Notes to Schedule 340.07:

<sup>(a)</sup> Service, delivery or loading area shall not be permitted to face a street.

<sup>(b)</sup> No setback is required when abutting parcels are developed as a joint project.

- A. Off-street loading areas shall be located in the side or rear yard and shall be screened according to the requirements set forth in Section 440.05.
- B. The area within this setback shall be landscaped in accordance with Chapter 440.

- C. Off-street parking spaces and loading areas shall comply with Chapter 420.

**SECTION 340.08 SUPPLEMENTAL REGULATIONS FOR THE B-2 DISTRICT.**

All development in the B-2 District shall maintain the existing small-scale commercial/residential character of the district. Mechanical equipment, service areas, and other accessory structures shall be located in the side or rear yard and screened from view from adjacent parcels according to Chapter 440.

**SECTION 340.09 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any Business District shall conform to the regulations of this Section.

- A. Accessory Buildings. Accessory buildings shall conform to all lot and setback requirements for principal buildings for the district in which the lot is located and shall be subject to development plan review.
- B. Fences and Walls. Fences and walls may be erected in any Business District in compliance with the following and Section 440.07 and shall be subject to development plan review.
1. Fences and walls shall comply with the following height regulations.
    - a) Fences and walls in a front yard shall not exceed four (4) feet in height.
    - b) Fences and walls in side and rear yards shall not exceed six (6) feet.
  2. Fences in the front yard shall have a minimum of 50 percent openness when viewed at a 90-degree angle. The openness shall be evenly distributed throughout the fence.
  3. All fences and walls shall be of uniform design and shall be well maintained.
  4. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 440.
- C. Heating and Cooling Units. Heating units and cooling coils or condensers shall be placed in the rear yard and shall conform to all side and rear yard requirements set forth for buildings in Schedule 340.05.
- D. Signs. Signs shall be regulated in accordance with Chapter 430.
- E. Trash Containers and Incinerators. Trash containers and incinerators shall comply with the regulations set forth in Chapter 440.

**SECTION 340.10 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in business districts in accordance with the provisions set forth in Chapter 440.

**SECTION 340.11 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.**

In addition to the above regulations, all gasoline stations shall comply with the following standards.

- A. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 340.07.
- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

**SECTION 340.12 DEVELOPMENT PLAN REVIEW.**

Uses, buildings and structures in business districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 230.

**SECTION 340.13 SITE DRAINAGE**

On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor, and/or property owner must request a final on-site inspection of the required and approved storm water management improvements including retention, detention, grading, final elevations, and post-construction best management practices (BMPS). The zoning inspector must be present at the final inspection. The developer, contractor, and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer a certified as built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.



## CHAPTER 350

### Industrial Districts

350.01	Purpose.	350.07	Off-street parking and loading requirements.
350.02	Permitted uses.	350.08	Accessory use regulations.
350.03	Schedule of permitted uses.	350.09	Landscaping and screening requirements.
350.04	Lot requirements.	350.10	Performance standards.
350.05	Yard requirements.	350.11	Development plan review.
350.06	Height regulations.		

#### SECTION 350.01 PURPOSE.

Industrial Districts (I-1 and I-2) and their regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities and the distribution of goods;
- B. To protect residential neighborhoods adjacent to industrial uses by restricting the types of establishments that can locate in the industrial districts, in order to minimize impacts from noise, dust, truck traffic and other influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To provide Light Industrial (I-1) Districts for establishments that utilize processes in which dust, smoke, fumes, glare, odors or other objectionable influences can be controlled, and which normally generate only limited outdoor activities in association with a principal activity that is conducted primarily indoors. This district is further designed to act as a transitional use between heavier industrial uses and other less intensive business uses.
- E. To provide General Industrial (I-2) Districts for establishments that utilize products and processes that involve some dust, smoke, fumes, glare, odors or other objectionable influences, but which do not create any dangers to the health and safety of the surrounding neighborhoods. These uses usually require outdoor storage of goods and supplies as well as access to major transportation routes.

**SECTION 350.02 PERMITTED USES.**

- A. A use listed in Schedule 350.03 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 350.03 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Board of Zoning Appeals first makes the determination that the requirements of Chapter 390 have been met according to the procedures set forth in Chapter 250;
- C. A use listed below shall be permitted as an accessory use in any industrial district. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections, as noted below.
1. Off-street parking and loading areas as regulated by Sections 350.07 and Chapter 420.
  2. Signs as regulated by Chapter 430.
  3. Vending area, snack bar or cafeteria primarily for employees.
  4. Other uses of land or buildings that are clearly incident and subordinate to the principal use.
- D. Although a use may be indicated as a permitted principal, conditional or accessory use in a particular district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question.
- E. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 390 or upon a finding that a use is substantially similar as provided in Section 250.11.

**SECTION 350.03 SCHEDULE OF PERMITTED USES.**

	<b>I-1 Light Industrial</b>	<b>I-2 General Industrial</b>
<b>A. Office</b>		
1. Medical facility	P	P
2. Party center, banquet hall, meeting facility	P	P
3. Outdoor recreation facility	C	P
<b>B. Manufacturing, Processing</b>		
1. Food processing	P	P
2. General assembly	P	P
3. Kindred products	P	P
4. Light manufacturing, assembly of previously manufactured supplies	P	P
5. Manufacturing or processing from raw materials		P
6. Printed matters	P	P
<b>C. General Commercial</b>		
1. Child day care center	C	
2. General construction trades	P	P
3. Heavy equipment and truck repair		P
<b>D. Storage and Distribution Establishments</b>		
1. Contractor's yard and storage area		P
2. Mini/self storage	C	C
3. Outdoor storage		
a. Fleet vehicles	C	A
b. Materials, equipment, supplies		A
4. Truck terminal		P
5. Wholesale establishment	P	P
<b>E. Other</b>		
1. Gas, oil, or salt water well	P	
2. Public Service facility	P	P
3. Sexually oriented business		C
4. Wireless telecommunication facility	See Chapter 450	
5. Small wind energy systems	C	C
P = Principal use permitted by right. C = Conditionally permitted use. A = Permitted accessory use/ Blank cell indicates use not permitted in district.		

**SECTION 350.04 LOT REQUIREMENTS.**

The lot requirements for uses in Industrial Districts are specified in Schedule 350.04 below.

**Schedule 350.04 Lot Requirements.**

	I-1 Light Industrial	I-2 General Industrial
A. Minimum lot area	40,000 square feet	80,000 square feet
B. Minimum lot width and lot frontage	150 feet	200 feet
C. Maximum lot coverage of building and parking areas	70%	70%

**SECTION 350.05 YARD REQUIREMENTS.**

Every building shall be located on a lot so as to create and maintain the yards required in Schedule 350.05.

**Schedule 350.05 Minimum Yard Requirements.**

	I-1 Light Industrial	I-2 General Industrial
A. Front yard (measured from street right-of-way)	65 feet	100 feet
B. Side and rear yard (measured from lot line)		
1. Adjacent to non-residential district	25 feet	25 feet
2. Adjacent to residential district	100 feet	200 feet

**SECTION 350.06 HEIGHT REGULATIONS.**

Buildings and structures shall not exceed 35 feet in height except as otherwise permitted in Section 410.04.



**SECTION 350.07 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 350.07 unless otherwise noted.

**Schedule 350.07 Minimum Parking Setbacks.**

	I-1 Light Industrial	I-2 General Industrial
3. Setback from street right-of-way		
a. Opposite a non-residential district	40 feet	40 feet
b. Opposite a residential district	65 feet	100 feet
4. Setback from side and rear lot line		
a. Adjacent to non-residential district	15 feet	15 feet
b. Adjacent to residential district	40 feet	40 feet

- A. Off-street loading areas shall be located in the side or rear yard and shall be screened according to the requirements set forth in Section 440.05.
- B. The area within this setback shall be landscaped in accordance with Chapter 440.
- C. Off-street parking spaces and loading areas shall comply with Chapter 420.

**SECTION 350.08 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in an Industrial District shall conform to the regulations of this Section.

- A. Accessory Buildings. Accessory buildings shall conform to all lot and setback requirements for principal buildings for the district in which the lot is located and shall be subject to development plan review.
- B. Outdoor Storage.
  - 1. Any use located in an I-1 District shall operate entirely within an enclosed structure, except for the outdoor storage of fleet vehicles which may be permitted as a conditional use in compliance with Chapter 390.
  - 2. Outdoor storage of materials, equipment and supplies shall be permitted as an accessory use in the I-2 General Industrial District and shall comply with the following requirements:

- a) Outdoor storage shall be located only in the rear yard and shall comply with the yard requirements for principal buildings set forth in Schedule 350.05.
  - b) The outdoor storage areas shall be screened in accordance with Chapter 440.
  - c) The bulk storage of sand, gravel, salt and other similar materials shall not be permitted unless the material is effectively prevented from spreading.
  - d) All materials shall be stored in such a manner as to be accessible to fire-fighting equipment at all times.
3. Outdoor storage of fleet vehicles shall be located only in side or rear yard and shall comply with the yard requirements for principal buildings set forth in Schedule 350.05.
- C. Fences and Walls. Fences and walls may be erected in an Industrial District in compliance with the following and Section 440.07 and shall be subject to development plan review.
1. Fences and walls shall comply with the following height regulations.
    - a) Fences or walls in a front yard shall not exceed six (6) feet in height.
    - b) Fences in side and rear yards shall not exceed 10 feet in height.
  2. Fences and walls shall comply with the following openness requirements.
    - a) All fences in a front yard shall have a minimum of 50% openness when viewed at a 90-degree angle. The openness shall be evenly distributed throughout the fence.
    - b) Fences with less than 50% openness when viewed at a 90-degree angle shall be located in a side or rear yard and shall comply with the yard requirements for buildings set forth in Section 350.05.
  3. All fences and walls shall be of uniform design and shall be well maintained.
  4. Fences and wall used for buffering and screening shall comply with the regulations set forth in Chapter 440.
- D. Heating and Cooling Units. Heating units and cooling coils or condensers shall be placed in the rear yard and shall conform to all side and rear yard requirements for buildings set forth in Schedule 350.05.
- E. Signs. Signs shall be regulated in accordance with Chapter 430.

- F. Trash Containers and Incinerators. Trash containers and incinerators shall comply with the regulations set forth in Chapter 440.

**SECTION 350.09 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in business districts in accordance with the provisions set forth in Chapter 440.

**SECTION 350.10 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards:

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Noise. No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on the nearest residential street. In addition, no use shall emit intermittent or shrill noises that are perceptible at the nearest residential district.
- D. Vibration. Vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
- E. Heat and Glare. No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.
- F. Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.
- G. Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property.
- H. Air Pollution. No use shall emit or cause the creation of fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.
- I. Waste Matter. Solid waste, including empty packing crates and other excess materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.

J. Lighting. All lighting shall be so arranged as to direct light away from adjacent parcels and streets and shall not be of excessive brightness or cause a glare hazardous to motorists or reasonably objectionable to adjacent property owners.

**SECTION 350.11 DEVELOPMENT PLAN REVIEW.**

Uses, buildings and structures in industrial districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 230.

**SECTION 350.12 SITEDRAINAGE.**

On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor, and/or property owner must request a final on-site inspection of the required and approved storm water management improvements including retention, detention, grading, final elevations, and post-construction best management practices (BMPS). The zoning inspector must be present at the final inspection. The developer, contractor, and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer a certified as built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

## CHAPTER 390

### Conditional Use Regulations

390.01	Purpose.	390.05	Schedule of regulations for
390.02	General standards for all	390.06	conditional uses in business and
	conditional uses.		industrial districts.
390.03	Specific regulations.		Supplemental regulations for
390.04	Schedule of regulations for		specific uses.
	conditional uses in residential		
	districts.		

#### **SECTION 390.01 PURPOSE.**

Conditional uses are those uses that possess characteristics of such unique and special nature relative to the location, design, size, method of operation, traffic circulation, and need for public facilities, that each specific use must be considered individually. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and other factors established herein.

Review of a conditional use by the Board of Zoning Appeals is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located. Accordingly, conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Chapter 250.

#### **SECTION 390.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.**

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following standards in addition to any specific conditions, standards and regulations for such use or category set forth in Section 390.02 through 390.06. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will be designed, constructed, operated, and maintained 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 school; or the proposed use shall be able to provide adequately for any such 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, or 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, odors, health hazards, or water pollution;
- E. Will have vehicular approaches to the property that 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 historical feature of major importance.

### **SECTION 390.03 SPECIFIC REGULATIONS.**

In addition to the general criteria established in Sections 390.01 and 390.02, the following specific conditions shall apply to all conditional uses:

- A. Supplementary Conditions and Safeguards Nothing in these regulations shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 390.02.
- B. Conformance with District Regulations. A conditional use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Chapter. Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.
- C. Exception to Height Regulations. The height of a non-residential building permitted as a conditional use in a residential district shall not exceed 35 feet, except that church spires, cupolas, domes, towers, and flag poles, located upon or constituted as an integral part of an institutional building may be erected to a height not to exceed 50 feet.
- D. Specific Development Standards.
  - 1. The Board of Zoning Appeals may limit the hours of operation to ensure that the conditional use is compatible with the surrounding uses.
  - 2. For any lot located in a residential district with an area of two acres or more, all points of entrance or exit should be no closer than 200 feet from the intersection of two arterial streets or no closer than 100 feet from the intersection of an arterial street and a local collector street.
  - 3. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.

4. Floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.
5. All trash receptacles shall be located in a rear yard in compliance with the required parking setback and shall be screened according to Chapter 440 with a fence, wall or building.
6. Grading and surface drainage provisions shall be prepared by a registered engineer and shall be subject to approval by the Mahoning County Engineer prior to issuance of the conditional zoning certificate.

**SECTION 390.04 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS.**

Schedule 390.04 sets forth regulations governing minimum lot area, minimum lot width, and minimum yard dimensions for principal and accessory buildings and parking areas for conditional uses in residential districts that require lot area, width and yard regulations different from the residential district regulations. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.04.

**SCHEDULE 390.04**  
**Minimum Lot and Yard Requirements for Conditional Uses in Residential Districts (a)**

CONDITIONAL USE	Minimum Lot Requirements		Building Setback		Parking		See also Section
	Area(b)	Width	Front	Side/Rear	Front	Side/Rear	
<b>A. Residential</b>							
1. Congregate care facility including assisted living and/or nursing home	3 ac	200 ft	(c)	35 ft	NP	35 ft	390.06H
2. Flag lots in the A-SER District	(c)	(c)	(c)	(c)	(c)	(c)	390.60BB
3. Group home for handicapped	33,000 sf	125 ft	(c)	(c)	(c)	(c)	390.06O
4. Adult family homes	(c)	(c)	(c)	(c)	(c)	(c)	390.06DD
<b>B. Community Facilities</b>							
1. Day care center, child and/or adult	(c)	(c)	(c)	(c)	(c)	(c)	390.06J
2. Place of worship	3 ac	200 ft	(c)	35 ft	NP	35 ft	390.06W
3. Public safety facility	3 ac	200 ft	(c)	35 ft	NP	35 ft	--
4. School, public or private	3 ac	200 ft	(c)	35 ft	NP	35 ft	390.06W
<b>C. Open Space / Recreational</b>							
1. Amusement park	100 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06B
2. Commercial campground	50 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06E
3. Golf course	80 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06N
4. Park, playground	(c)	(c)	(c)	35 ft	NP	35 ft	-
5. Swimming pool as the principal use of lot	3 ac	200 ft	(c)	100 ft	NP	35 ft	390.06AA
<b>D. Other</b>							
★ 1. Airport/Aircraft landing field	20 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06A
2. Cemetery	40 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06G
3. Gas, oil, or salt water well	(c)	(c)	(c)	(c)	(c)	(c)	390.06L
4. Kennel	3 ac	200 ft	(c)	100 ft	NP	35 ft	390.06R
5. Public utility substation	(c)	(c)	(c)	(c)	(c)	(c)	390.06X
6. Quarry, sand or gravel pit	40 ac	500 ft	100 ft	100 ft	NP	35 ft	390.06Y
7. Wireless telecommunication facility	See Chapter 450						
8. Small wind energy systems	See Section 390.06 CC						

Notes for Schedule 390.04

(a) Section 310.03 - Schedule of Permitted Uses, indicates the residential districts in which the above uses are permitted as conditional uses.

(b) But in no case shall the minimum lot size be less than the lot requirement specified for single-family lots in Schedule 310.04.

(c) Shall comply with District Regulations set forth in Chapter 310.

NP = Not Permitted

ft = feet

sf = square feet

ac = acres



**SECTION 390.05 SCHEDULE OF REGULATIONS FOR CONDITIONAL USES IN BUSINESS AND INDUSTRIAL DISTRICTS.**

Schedule 390.05 sets forth regulations governing minimum lot area and minimum lot width requirements for principal and accessory buildings and parking areas for conditional uses in commercial and industrial districts. Supplemental requirements pertaining to such uses are set forth in Section 390.06, and the specific subsections are referenced in Schedule 390.05.

**SCHEDULE 390.05**

**Minimum Lot Requirements for Conditional Uses in Business and Industrial Districts<sup>(a)</sup>**

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
<b>A. Residential</b>			
1. Residential unit above first floor of a commercial building	(b)	(b)	390.06C
2. Single-family dwelling	(b)	(b)	390.06C
3. Two-family dwelling	(b)	(b)	390.06C
<b>B. Offices/ Retail/ Services</b>			
1. Drive-thru facility in association with principal use	(b)	(b)	390.06J
2. Research and testing laboratory	(b)	(b)	--
<b>C. Automotive Oriented Businesses</b>			
1. Automobile repair station	(b)	(b)	390.06D
2. Automobile sales; new dealership or used car lot	2 ac	200 ft	390.06D
3. Automobile service station	(b)	(b)	390.06D
4. Car wash	(b)	(b)	390.06F
5. Gasoline station	(b)	(b)	390.06M
<b>D. Community Facilities</b>			
1. Congregate care facility, including assisted living and/or nursing home	2 ac	200 ft	390.06H
2. Day care center, child and/or adult	(b)	(b)	390.06I
3. Hospital	5 ac	200 ft	390.06P
4. Place of worship	2 ac	200 ft	390.06W
5. Urgent care clinic	(b)	(b)	390.06P
<b>E. Entertainment/Recreation</b>			
1. Game room	(b)	(b)	390.06K
2. Indoor entertainment including theaters and dance floors	(b)	(b)	390.06Q
Notes for Schedule 390.05			
<sup>(a)</sup> Sections 340.03 and 350.03 – Schedule of Permitted Uses, indicate the Commercial Districts and Industrial Districts, respectively in which the above uses are permitted as conditional uses.			
<sup>(b)</sup> Shall comply with regulations set forth in Chapters 340 or 350 for the district in which the parcel is located.			
NP = Not Permitted                      ft = feet                      sf = square feet                      ac = acres			

CONDITIONAL USE	Minimum Lot Requirements		See also Section
	Area	Width	
3. Indoor recreation facility, including membership/ sports fitness center	(b)	(b)	390.06Q
4. Outdoor recreation facility	2 ac	150 ft	390.06V
5. Party center, banquet hall, meeting facility	(b)	(b)	-
<b>F. Other</b>			
1. Funeral home	(b)	(b)	-
2. Gas, oil, or salt water well	(b)	(b)	390.06L
3. Mini/ self-storage	2 ac	200 ft	390.06S
4. Outdoor display	(b)	(b)	390.06T
5. Outdoor storage of fleet vehicles	(b)	(b)	390.06U
6. Public safety facility	(b)	(b)	-
7. Sexually oriented business	(b)	(b)	390.06Z
8. Wireless telecommunication facility	See Chapter 450		
9. Small wind energy systems	See Section 390.06 CC		
<p>Notes for Schedule 390.05</p> <p><sup>(c)</sup> Sections 340.03 and 350.03 – Schedule of Permitted Uses, indicate the Commercial Districts and Industrial Districts, respectively in which the above uses are permitted as conditional uses.</p> <p><sup>(d)</sup> Shall comply with regulations set forth in Chapters 340 or 350 for the district in which the parcel is located.</p> <p>NP = Not Permitted      ft = feet      sf = square feet      ac = -acres</p>			

**SECTION 390.06 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.**

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 390.02 through 390.06.



A. Airport/Aircraft Landing Field and accessory buildings and structures shall comply with the following:

1. Landing pads and runways shall be setback a minimum of 500 feet from any property line.
2. No outdoor storage of goods, materials, products, or equipment shall be permitted.
3. The height of any building or structure shall not exceed 35 feet, except that the necessary control tower and beacon light may be built to a height not to exceed 75 feet above the established average elevation of the airport. Federal Aviation Administration (FAA) and the Ohio Department of Transportation, Division of Aviation guidelines and height limitations shall supercede the height regulations of this Resolution.

4. Medical clinics, lunchrooms, cafeterias and incidental retail sales which are accessory to the principal use and intend to serve only customers of the airport shall be permitted provided that such uses are completely enclosed and accessed internally. No signs for advertising such accessory uses shall be permitted.
  5. Signs shall comply with Chapter 430.
- B. Amusement Park shall comply with the following:
1. No building shall exceed a height of forty-five (45) feet and no amusement structure shall exceed a height of eighty (80) feet;
  2. Park operations which involve public participation shall not be carried on between the hours of 12:00 am. and 8:00 am.
- C. Residential Unit Above First Floor of a Commercial Building, a Single-Family Dwelling or a Two-Family Dwelling shall comply with the following:
1. For single-family and two-family dwellings:
    - a) In order to promote healthful living conditions, such dwelling units shall be erected, altered, moved, maintained or occupied in accordance with Section 310.06.
    - b) Accessory uses shall be regulated as set forth in Section 310.08.
  2. Each residential unit above the first floor of a commercial building shall have a minimum dwelling unit floor area of 500 square feet plus an additional 200 square feet for each bedroom over one. The floor area of a commercial building devoted to residential dwelling units shall not exceed 50 percent of the total building floor area.
  3. Home occupations shall be permitted as an accessory use in compliance with Section 310.09.
  4. A family day care home type "B" shall be permitted in compliance with Section 310.10.
  5. Off-street parking spaces shall be provided in compliance with Chapter 420.
- D. Automobile Repair Station or Automobile Service Station and Automobile Sales of New Lot Dealership or Used Car Lot shall comply with the following:
1. All activities, including cleaning, washing, and drying operations, shall take place inside the building unless otherwise permitted by the Board of Zoning Appeals.
  2. No junk, inoperative, or unlicensed vehicle shall be permitted to remain outdoors on the property except in a completely screened storage area.

E. Campground, Commercial shall comply with the following:

1. Campsites shall be occupied on a temporary basis and no lodge, recreational vehicle, tent, or any other structure intended for temporary overnight stays shall be occupied as a permanent dwelling.
2. Only retail facilities that are customarily accessory or incidental to the campground shall be permitted. Such retail facility shall be provided for the convenience of persons staying at the campgrounds and no sign advertising the retail facility shall be permitted.
3. All active recreation areas shall be enclosed by a fence having a minimum height of 6 feet, unless a different enclosure is approved by the Board of Zoning Appeals.

F. Car Wash shall comply with the following:

1. Such uses should be located on a major street or at an intersection of major and/or collector streets.
2. The facility shall be located in an area covered by a roof.
3. The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced.
4. A car wash establishment may be combined with a gasoline station provided that the minimum lot area for the combined uses shall be 50,000 square feet.

G. Cemetery shall comply with the following:

1. Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the final plans by the Zoning Board of Appeals.
2. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
3. No gravesite, mausoleum or crematory shall be located within 200 feet of a public street right-of-way or other property line.

H. Congregate Care Facility Including Assisted Living and/or Nursing Home shall comply with the following:

1. A congregate care facility may include one or more of the following types of residential facilities:
  - a) Independent living with congregate dining facilities,
  - b) Congregate living,
  - c) Assisted living, or
  - d) Nursing care.

2. The number of beds for assisted living and nursing facilities shall not exceed one bed for every 1,000 square feet of net lot area devoted to the facility and its related parking.
  3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions; ambulance entrances and drives; and loading and delivery areas.
  4. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished with the zoning permit application. Failure to maintain such license, certification and any other approval requirements shall constitute a violation of this Zoning Resolution.
- I. Day Care Center, Child and/or Adult shall comply with the following:
1. For the protection of children and adults enrolled in the day care center, all outdoor activity areas shall be enclosed by a fence or wall having a height of at least five feet but not exceeding six feet. An entry gate shall be securely fastened.
  2. A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.
  3. The location and design of the day care center shall provide for the protection of the patrons from the traffic, noise, and other hazards of the area and/or the arterial street location.
  4. If a day-care center is within a place of worship or other institutional use, it should comply with the regulations for the primary building and the applicable regulations of this section.
- J. Drive-Thru Facility In Association With Principal Use shall comply with the following:
1. Such facility and associated access drives should be located so as to be the least disruptive to pedestrian traffic;
  2. For locations where such facility abuts a residential district, an additional buffer area may be required.
- K. Game Room shall comply with the following:
1. No gameroom shall be located within 500 feet of any school, park, playground, church, library or another gameroom;
  2. Not more than fifty percent (50%) of the net interior floor area shall be occupied by tables, machines, games or amusement devices;

L. Gas, Oil, and Salt Water Wells shall comply with the following:

1. For the purpose of this subsection, the following words shall have the meaning set forth herein:
  - a) **Abandoned:** Any production well that has not been operated for six months or any drilling operation being halted, stopped, or otherwise suspended for 60 consecutive days.
  - b) **Drilling Unit:** The minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.
  - c) **Well:** Any borehole, whether drilled or bored, for production, extraction or injection of any gas or liquid material, excluding potable water to be used as such, but including natural or artificial brines and oil field water.
2. In addition to the conditional use permit requirements set forth in Chapter 250, the driller and/or operator of the well shall submit the following items to the zoning inspector:
  - a) A complete copy of the application for permit required under R.C. 1509.06 and O.A.C. 1501:9-1-02 and a copy of the permit issued under such sections.
  - b) Written verification indicating that the driller or operator has provided all owners of water wells located within a 1,000-foot radius of the drilling area the opportunity to have their well water tested as described herein.
    - 1) If any owners desire to have their well water tested, the driller shall, at its own expense, cause an Ohio EPA approved laboratory to test such water for barium, calcium, chloride, iron, manganese, magnesium, nitrate, nitrite, potassium sodium, strontium, sulfate and total dissolved solids
    - 2) A report of the findings of the test shall be prepared and a copy of the report shall be provided to the owner of the water well.
3. The driller and the landowner shall immediately notify the Jackson Township Fire Department in the event of any oil or gas spills or gas leaks, explosions, fires, or other hazards that occur at the site.
4. No person shall cause a fire to be started or maintained within 200 feet of any site except as otherwise permitted by law.
5. The driller shall remove all drilling equipment and materials from the site within seven days after completing the drilling of the well.

6. The driller shall cause all wells and appurtenances (including all materials, tanks and equipment), whether producing or abandoned, to be enclosed by a six (6) feet high chain-linked fence with a four (4) feet wide (or larger) pad-locked gate. The fence and gate shall be installed within 30 days after completing the drilling of the well. The fence shall be completely screened from view by at least one row of evergreens planted five feet on center maximum. The evergreens shall be planted within two months after the fence is installed, weather permitting. The driller shall keep the fence and gate required in subsection 440.04A in good repair at all times and all landscaping shall be maintained in good condition.
7. Where electricity is reasonably available to the site, no person shall use or operate a well without an electric powered pump motor. Where electricity is not reasonably available to the site, petroleum powered pump motors may be used provided such motors shall have an adequate muffler system so that the noise level of engines during the actual drilling does not exceed the noise level of 70 decibels at a 300-foot radius at any time.
8. An access drive shall be provided from the street to the drilling area in compliance with the following:
  - a) The access drive shall be installed prior to the arrival of any drilling equipment to the site and shall be maintained in an acceptable condition.
  - b) The access drive shall be of such design and material so as to keep vehicular traffic from the site from carrying mud and dirt onto the public road. No driller or landowner shall allow mud and dirt to be carried onto the public road from a site.
  - c) The driller and landowner shall cause the access drive to a site to be reasonably clear of snow, ice, mud, garbage, trash, abandoned vehicles and debris at all times.
9. Every drilling area shall have a sign posted at the site of sufficient size to list the following:
  - a) Name, address and telephone number of the driller;
  - b) Ohio Department of Oil and Gas well number and permit number;
  - c) The word "DANGER" in conspicuous print; and
  - d) The telephone number of the Jackson Township Fire Department and all other emergency telephone numbers as required by law.
  - e) The driller and landowner shall keep the information provided on the sign current.

10. The following minimum distances shall apply for new construction:
    - a) A proposed drilling site shall be located a minimum of 200 feet from any existing building or structure.
    - b) New buildings or structures shall be located a minimum of 200 feet from any existing drilling site. This regulation does not apply to buildings or structures used for agricultural purposes.
    - c) No person shall locate a drilling site within 50 feet of a public road right-of-way or private road.
  11. The drill site and surrounding area shall be restored upon completion of the drilling operations and/or be abandoned only in compliance with the following:
    - a) Within one month of completion of the drilling operations, the driller shall fill and level all pits and restore the land to its original condition insofar as it is possible, weather permitting.
    - b) Any person who has been issued a permit under R.C. 1509.06 and O.A.C. 1501:9-1-02 and who has been ordered by the chief of the division of oil and gas to suspend drilling or operating any well, pursuant to R.C. 1509.06, shall provide the zoning inspector with a complete copy of such order within 7 days.
    - c) The driller and landowner shall notify the Jackson Township Fire Department and the zoning inspector of the abandonment of any well.
- M. Gasoline Stations shall comply with the following:
1. Such gasoline station shall comply with the supplemental regulations set forth in Section 340.11.
  2. Such use shall be located so as to be the least disruptive to pedestrian traffic.
- N. Golf Courses shall comply with the following:
1. Only incidental retail sales and services shall be permitted related to a restaurant, snack bar, pro shop, or private parties. Such retail and service uses shall be provided for the convenience of the patrons and no sign advertising such retail or service use shall be permitted.
  2. Swimming pools associated with such uses shall comply with Section 390.06AA.



- O. Home For Handicapped, Group for 9 or more persons shall comply with the following:
1. Such homes shall be licensed according to ORC 5123.19 and evidence shall be presented indicating that the facility meets the certification, licensing, or approval requirements of the appropriate state agency.
  2. All activities, programs and other events shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
  3. No such facility shall be located within a 1,000-foot radius of a family home for handicapped persons or another group home licensed under ORC Section 5123.19.
  4. The architectural design and site layout of a group home licensed under ORC Section 5123.19 and the height of any walls, screens, or fences connected with any said group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
- P. Hospital, Urgent Care Clinic shall ensure that outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas.
- Q. Indoor Entertainment including Theaters and Dance Floors and Indoor Recreation Facilities including Membership/Sports Fitness Centers shall ensure that noise shall be adequately controlled so as not to create a nuisance to adjacent property. In order to minimize any effects of the above, the Board of Zoning Appeals may require additional noise reduction measures.
- R. Kennels shall comply with the following:
1. Outdoor areas devoted to kennel operations shall be located in the rear yard and shall be located a minimum of two hundred (200) feet from any lot line.
  2. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
  3. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into the area.
- S. Mini / Self-Storage shall comply with the following:
1. The leases for all self-storage units shall include clauses prohibiting:
    - a) The storage of flammable liquids, radioactive, highly combustible or explosive materials or hazardous materials.

- b) The use of property for uses other than dead storage.
  2. Units shall not exceed a total of 600 square feet for each individual unit.
  3. The Jackson Township Fire Department shall be provided with 24-hour accessibility to the grounds. A lockbox shall be provided for its use.
  4. The minimum setback from a residential district shall be 100 feet.
- T. Outdoor Display shall comply with the following:
1. The area of a lot devoted to outdoor display shall not exceed 25 percent of the ground floor area of the building(s) on the lot.
  2. All displays shall meet the principal building setbacks established for the district in which the principal use is located.
  3. Displays shall not be located in areas intended for traffic circulation according to the development plan.
- U. Outdoor Storage of Fleet Vehicles used in the operation of the principal use shall comply with the following:
1. The area devoted to outdoor fleet vehicle storage shall be located in the rear yard only and shall not exceed 25% of the total ground floor area of the building(s) on the lot.
  2. Such storage areas shall be enclosed with a solid wall or fence, including solid gates.
- V. Outdoor Recreation Facilities shall comply with the following:
1. The proposed use shall not generate excessive noise, odor, dust, or smoke beyond the premises. In order to minimize any effects of the above, the Board of Zoning Appeals may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping, and sound barriers.
  2. All active recreation areas shall be enclosed by a fence having a minimum height of five feet, unless a different enclosure is approved by the Board of Zoning Appeals;
  3. All structures including lighting fixtures shall have a maximum height of 35 feet;
  4. Rifle ranges, skeet shooting ranges, pistol ranges, and other uses involving the use of fire arms shall not be permitted; and
  5. Public restrooms shall be provided and maintained.

W. Places Of Worship and Public or Private Schools shall comply with the following:

1. In any district, the Board of Zoning Appeals may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five feet but not exceeding six feet. An entry gate shall be securely fastened.
2. Associated uses such as a convent, faculty residence, cafeteria, fieldhouse, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.

X. Public Utility Substation shall comply with the following:

1. Substations shall be conditionally permitted only when the distribution of service is essential to the immediate neighborhood or when topological features restrict the location of such facilities.
2. Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.
3. Storage of materials shall be within a completely enclosed building.
4. Substations shall be located a minimum of 100 feet from any dwelling existing at the time the substation is erected.

Y. Quarry, Sand or Gravel Pit shall comply with the following:

1. A distance of no less than 200 feet shall be maintained at all times from the nearest edge of the quarry to any residence existing at the start of operations. All other aspects of the operation shall comply with the setbacks set forth in Schedule 390.04.
2. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
3. Truck parking areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on, and adjacent to, the site and shall be built or treated to prevent the creation of dust and drainage problems.
4. Any temporary structures shall be indicated as such on development plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.
5. All facilities, structures, and activities shall meet all county and/or State of Ohio Health, building, electrical, and other applicable codes. In cases of overlapping codes and/or jurisdictions, the more restrictive shall apply.

6. The area being excavated shall be enclosed by a fence seven (7) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope. No sand or gravel shall be removed or stored, or overburden stored within 100 feet of any lot line not owned or controlled by the operator of said business or his agent nor shall such mineral extraction business be conducted closer to any lot line or street so that areas contiguous and adjacent thereto do not have adequate lateral support.
- Z. Sexually Oriented Business. Jackson Township has determined that permitting sexually oriented business uses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that sexually oriented business uses, as defined in this Section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent non-sexually oriented business oriented retail uses. Therefore, in order to prevent potential deterioration in Jackson Township's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health, safety and welfare, sexually oriented business uses, as defined in this Section, shall comply with the following requirements:
1. The Board of Zoning Appeals may issue a conditional use permit for a sexually oriented business only in an I-2 District and only in compliance with the following:
    - a) The proposed parcel is located more than 2,000 feet from a church, a public or private school, any boundary of a residential district, the lot line of lot devoted to residential uses; public park or playground, any social service facility or neighborhood center, any boundary of a residential district in a local government abutting Jackson Township, or any structure that contains a residence;
    - b) The proposed parcel is located more than 2,000 feet from an existing sexually oriented business or one that has received a conditional use permit.
  2. For purposes of this Resolution, sexually oriented business uses shall include but not be limited to any of the following:
    - a) "ADULT" ARCADE: Any place to which the public is permitted or invited, wherein coin-operate or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images or displays are distinguished or characterized by the depicting

- or describing of "specified sexual activities" or "specific anatomical areas".
- b) "ADULT" BOOKSTORE OR "ADULT" VIDEO STORE: A commercial establishment which utilizes five percent (5%) or more of its retail selling area for the display of any one or more of the following:
    - 1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproduction, slides, or other visual representation which depict or describe "specified sexual activities" or "specified anatomical area" or
    - 2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical area" and still be categorized as "ADULT" BOOKSTORE or "ADULT" VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "ADULT" BOOKSTORE or "ADULT" VIDEO STORE.
  - c) "ADULT" CABARET: A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. No nudity or state of nudity is permitted.
  - d) "ADULT" MOTION PICTURE THEATER: A commercial establishment which utilizes five percent (5%) or more of its total patron's viewing time for the presentation of materials such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are shown regularly and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - e) "ADULT" THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  - f) MESSAGE PARLOR: An establishment where, for any form of consideration, massage, alcohol rub, formentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional persons licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon,

spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory service.

3. To further determine whether the above facilities are sexually oriented business uses, the following definitions shall apply.
  - a) Adult material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;
    - 1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
    - 2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
  - b) Bottomless. Less than full opaque covering of male or female genitals, pubic area or buttocks.
  - c) Nude or nudity. The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  - d) Topless. The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
  - e) Sexual activity. Sexual conduct or sexual contact, or both.
  - f) Sexual contact. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
  - g) Sexual excitement. The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

AA. Swimming Pools As The Principal Use Of Lot shall comply with the following:

1. All pools and associated lounging/deck areas shall be located within an enclosed structure or completely surrounded by a fence or wall having a height not less than six (6) feet, and shall be securely locked at all times the pool is not in use. No part of such fence or enclosure shall be located in a required yard.

2. All fences and other pool enclosures shall be constructed to have no openings, holes, or gaps larger than three (3) inches in width, except for doors and gates, which shall be equipped with suitable locking devices to prevent unauthorized access. Accessory buildings and walls of principal buildings with secured access may be used in place of, or as a part of, the enclosure.
3. The Board of Zoning Appeals may limit the maximum lot coverage of related buildings and lounging/deck areas.
4. Construction of the pool shall comply with the regulations of the Mahoning County Health District.
5. Only incidental retail sales such as a snack bar shall be permitted as an accessory use. Such retail facility shall be provided for the convenience of the pool patrons and no sign advertising the retail facility shall be permitted.

BB. Flag Lots shall comply with the following:

1. A minimum of 100 feet of frontage shall be required at the public street right-of-way.
2. The area of the “staff” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the A-SER minimum required lot area.
3. The Board of Zoning Appeals shall review the arrangement of all buildings and accessory uses on the lot. Where there is potential for the future subdivision of land and the development of a dedicated street, the Board of Zoning Appeals may determine the front, side and/or rear lot lines by the potential location of such street.

CC. Small Wind Energy Systems shall comply with the following:

INTENT: Regulations for Small Wind Energy Systems (SWES) are established to provide for construction and use of wind turbines and facilities as conditional uses on the specific land areas of the Township in which they are proposed to be located. As such, these regulations intend:

- A. To promote the safe, effective and efficient use of a small wind energy system (wind turbine) in order to reduce the consumption of fossil fuels in producing electricity.
- B. Preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a wind turbine.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of a wind turbine shall be governed.
- D. Avoid potential damage to real and personal property from wind turbines or the failure of such structures and their related problems.

**DEFINITIONS**

- A. Accessory Structures: Structures such as sheds, storage buildings, pool houses, unattached garages and barns.
- B. Anemometer: An instrument that measures the speed and direction of the wind.
- C. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone is such that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall directly onto dwellings or accessory structures, or intrude onto neighboring property, public roadways or interfere with any public utilities.
- D. Cowling: A streamlined removable cover that encloses the turbine's nacelle.
- E. Decibel: A unit of relative loudness, a measurement of the intensity or loudness of sound. For sound, decibel scale runs from zero (0) for least perceptible sound to one hundred thirty (130) for sound that causes pain.
- F. Kilowatt KW: A unit of power equal to one-thousand (1000) watts, abbreviated as KW.
- G. Nacelle: The structure at the top of the wind turbine tower that houses the key components of the wind turbine, including the rotor shaft, gear box and generator and to which the rotor is attached.
- H. Primary Structure: The structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- I. Professional Engineer: A person who is licensed in the State of Ohio as a Professional Engineer.
- J. Megawatt (MW): A unit of power equal to one (1) million watts, abbreviated as MW.
- K. Monopole Tower: A single piece tower that is placed on a concrete pad.
- L. Small Wind Energy System (SWES): Any wind project less than 5MW which includes the wind turbine generator and anemometer and is connected to the public power grid pursuant to state regulations.



- M. Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy.
- N. Wind Turbine Owner: The person or persons who own the Wind Turbine.
- O. Wind Turbine Tower: The support structure to which the turbine and rotor are attached.
- P. Wind Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Facility foundation.

PERMITTED USES: A small wind turbine shall be considered a conditionally permitted use in all zoning districts and shall not be erected, constructed, installed or modified as provided in this Resolution unless a conditional use permit has been approved by the Zoning Board of Appeals and a building permit has been issued to the owner(s) or operators). Before obtaining a zoning permit, the applicant must submit a detailed report from a licensed professional engineer including things like the total size and depth of the concrete mounting pad, average decibel rating, safety measures, a dismantling plan, a maintenance plan and must comply with all the regulations set forth in this resolution. Wind projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects consisting of one unit less than 5MW and used solely for agriculture will be exempt from zoning permit fees as an Agricultural Use. The following conditions must be met before a Conditional Use Permit can be issued:

A. Conditional Use Permit

1. A Conditional Use Permit shall be required before construction can commence on an individual wind project system, including wind turbine towers.
2. Prior to applying for a Conditional Use Permit, the applicant shall consult with the County Building inspector as to whether or not additional height restrictions or other regulations are applicable due to the unit's location in relation to any local airports.
3. When applying for a Conditional Use Permit, applicant shall then provide the township zoning inspector with a detailed engineering report that includes:
  - a. The total size and height of the unit.
  - b. The total size and depth of the unit's foundation structure, or concrete mounting pad as well as soil and bedrock data.
  - c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, anchors, warning signs and FAA or FCC lighting if necessary.
  - d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
  - e. The average and maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the unit.
  - f. A hazardous materials containment and disposal plan.

- g. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines.
- h. Evidence of an established setback of 1.1 times the height of the wind project and Clear Fall Zone.
- i. A maintenance schedule as well as dismantling and reclamation plans that outline how the unit will be dismantled and the land reclaimed shall be required as part of the permit.
- j. Verification from the County Building Inspector that no additional regulations apply to wind project.
- k. Color of the unit as well as location and size of manufacturer's identifying logo and model type,
- i. Documentation from the utility company of how any excess power that the unit may generate will be handled.

#### SITING AND DESIGN STANDARDS:

- A. **Size, Height and Setback:** Wind turbines shall not exceed 5MW. They shall be of monopole design. The maximum height requirements for all other structures in the township do not apply to wind turbines. The maximum height of any turbine tower shall be determined by the size of the lot on which it is sited; however no wind turbine shall exceed a height of 125 ft. For the purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of the ground.
- B. **Setback:** Any turbine erected on a parcel of land shall be setback 1.1 times the total height of the tower. The parcel of land on which a wind turbine is located must be large enough to accommodate a "Clear Fall Zone" whereupon if the structure were to fall, it would not fall onto buildings located on the parcel, or onto neighboring properties. The "Clear Fall Zone" also applies to any existing gas and/or oil well head, storage tanks, above ground regulators, or similar control facilities.
- C. **Decibel Levels:** The maximum decibel level shall not exceed 65dbA measured 5 feet above the base of the tower.
- D. **Wiring and Electrical Apparatus:** Applicant to submit manufacturer's electrical drawings and require that the system is equipped with manual braking. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall meet all applicable local, county, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio. Obtain proof that the wind turbine can be installed into the local utility company grid.
- E. **Appearance:** The turbine, including prop blades, turbine, cowling, tower etc. shall remain in the color provided by the manufacturer, a non reflective neutral such as white or gray. Signs, logos, or identification marks other than those of the manufacturer are prohibited.

- F. Fencing: The base of the tower and all related facilities, including guy wires shall be completely enclosed with a secure fence having a minimum height of 6 feet and a maximum height of 8 feet. Appropriate warning signs shall be posted in a visible location on the fencing surrounding the wind turbine tower and shall conform to all existing sign requirements. Signage shall also display current emergency contact numbers.
- G. Maintenance: Wind turbine systems shall be property maintained at all times in compliance with all OSHA and manufacturers specifications.
- H. Abandonment and Removal: The SWES owner or operator shall complete dismantling within 12 months after the end of the useful life. Each SWES will presume to be at the end of its useful life if no electricity is generated for a continuous period of 180 days. The current SWES owner/operator or current property owner shall within 30 days of permanently ceasing operation of a SWES provide written notice of abandonment to the Zoning Inspector. All costs associated with the dismantling and removal of the SWES and associated equipment shall be borne by the current SWES owner or property owner. Dismantling includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine. Reclamation of the land is to reasonably be restored to its condition prior to the installation of the small wind energy system.

DD. ADULT FAMILY HOMES---for up to 5 persons shall comply with the following:

- A. The persons residing in an adult family home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, primary residence. The term “primary residence” means:
  - 1. The resident intends to live at the dwelling on a continuing basis; and the resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
- B. Signs or other means of identification as an adult family home shall not be permitted.
- C. The facility and its staff shall be in full compliance with all applicable Federal, State and local laws and regulations, including facility licensure to begin and continue operation. Evidence of such compliance shall be furnished with the zoning permit application. Failure to maintain such license, certification and any other approval requirements shall constitute a violation of this Zoning Resolution.

**ARTICLE IV**  
**REGULATIONS APPLICABLE TO ALL DISTRICTS**

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**Chapter 410**

**Supplementary District Regulations**

<p>410.01 General regulation of lots.</p> <p>410.02 Access to other districts prohibited.</p> <p>410.03 Fire escapes and open stairways.</p> <p>410.04 Height exceptions.</p> <p>410.05 Parking and storage of certain vehicles and storage of furniture and miscellaneous items.</p>	<p>410.06 Visibility at intersections.</p> <p>410.07 Conversion of dwelling unit to more units.</p> <p>410.08 Temporary facilities.</p> <p>410.09 Temporary sales and special events.</p> <p>410.10 Heavy equipment.</p> <p>410.11 Hazardous materials and waste.</p> <p>410.12 Prohibited uses and activities</p>
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**SECTION 410.01 GENERAL REGULATION OF LOTS.**

- A. Required Street Frontage. All lots created as a result of lot splits or subdivisions shall have frontage on a dedicated street in the amount required for the zoning district within which such lots are located.
- B. Required Yard and Open Space Maintained. The required yards surrounding an existing principal building, which has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement for any other principal building.
- C. Required Lot Area To Be Maintained. A parcel of land may be subdivided into two or more parcels provided all lots resulting from such division conform to the lot area and width requirements of the district in which such land is located. A nonconforming lot of record that owned separately from adjoining lots on the effective date of this Resolution or an amendment adopted thereafter which affected its conformity shall not be reduced in any manner that would increase its nonconforming situation.

**SECTION 410.02 ACCESS TO OTHER DISTRICTS PROHIBITED.**

Driveways shall not be established from a road in a residential district to land in a non-residential district.

**SECTION 410.03 FIRE ESCAPES AND OPEN STAIRWAYS.**

Nothing contained in this Resolution shall prevent the projection of an open fire escape or stairway into a rear or side yard for a distance not to exceed eight (8) feet.

**SECTION 410.04 HEIGHT EXEMPTIONS.**

The following features are exempt from the district height limitations and do not require conditional use approval to exceed the height regulations provided:

- A. Chimneys that do not exceed the height limit by more than six (6) feet;
- B. Church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage.
- C. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices provided that these features are set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached and not more than one-quarter of the total roof area is consumed by such features.

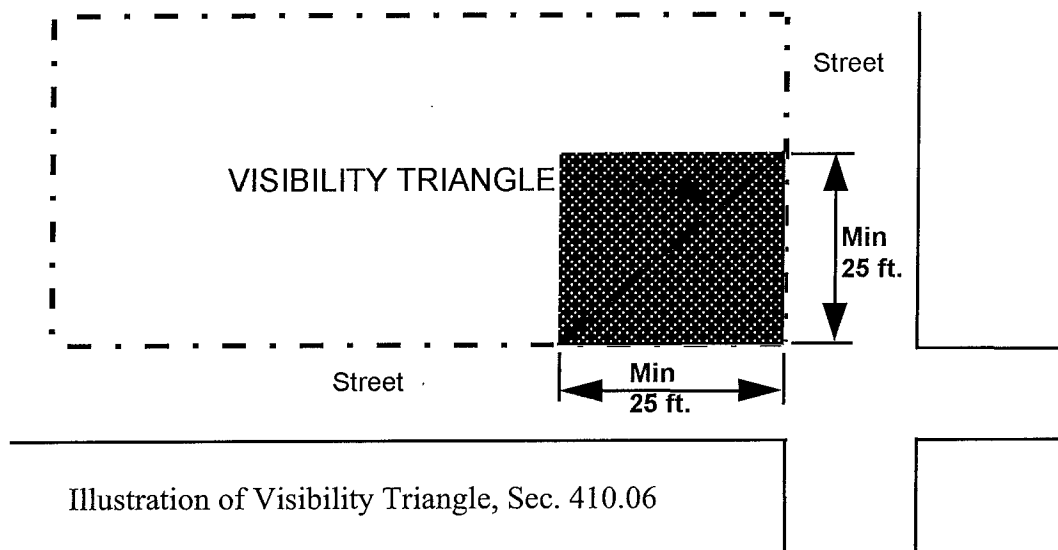
**SECTION 410.05 PARKING AND STORAGE OF CERTAIN VEHICLES AND STORAGE OF FURNITURE AND MISCELLANEOUS ITEMS.**

No abandoned, wrecked, unused, or dismantled automobile, truck, jeep, van, trailer, farm equipment, or aircraft shall be permitted to be stored in any exposed manner in any yard area in any agriculture, residential, business, or industrial district.

**SECTION 410.06 VISIBILITY AT INTERSECTIONS.**

On every corner lot there shall be no material impairment to visibility (whether by the location of structures including fences, landscaping or other means) between a height of two (2) feet and a height of six (6) feet above the natural grade, within the triangle formed by the right-of-way lines of two intersecting streets, and a line drawn between two points, one on each such right-of-way line, each 25 feet from the point of intersection of such right-of-way lines.

See illustration of the “visibility triangle” on the next page.



#### **SECTION 410.07 CONVERSION OF DWELLING TO MORE UNITS.**

The conversion of a dwelling to accommodate a greater number of dwelling units may be accomplished only when the conversion complies, in all respects, with the requirements governing new construction for the district in which the conversion is located and shall comply with the following:

- A. Conversions shall be permitted only within a district in which a new building for a similar occupancy would be allowed under this Zoning Resolution;
- B. Yard dimensions shall comply with front, rear and side yard requirements as required for new structures;
- C. Lot area per family shall be equal to or greater than the lot area requirements for new structures;
- D. Floor area per dwelling unit shall not be reduced to less than that which is required for new construction;
- E. Off-street parking shall comply with district regulations.

#### **SECTION 410.08 TEMPORARY FACILITIES.**

Prior to the erection of a temporary structure or facility, the Zoning Inspector shall issue a temporary permit. Temporary facilities shall be permitted in compliance with the following and may include, but are not limited to the following uses.

- A. Temporary Construction Facilities. Temporary construction facilities for use incidental to construction work may be erected in any zoning district herein established and shall comply with the following:

1. All temporary construction facilities including storage of construction materials shall be entirely located on the site where the construction work is taking place, except as otherwise permitted in subsection 6. below.
  2. A temporary zoning permit shall be issued for a period of one year and may be extended if active construction is taking place.
  3. Temporary construction facilities shall be removed upon completion or abandonment of the construction work.
  4. Such facilities shall not include processing facilities.
  5. Such facilities shall not be used for habitation.
  6. Off-site temporary construction facilities shall be permitted only for a bona fide highway construction project authorized by the Ohio Department of Transportation or the Mahoning County Engineer, when in compliance with the following:
    - a) Such facilities shall be located as near as practicable to the highway undergoing construction and shall be approved by the Zoning Inspector.
    - b) Truck routes shall be established for movement in and out of the site in such a way that it will minimize the wear on public streets.
    - c) The operation of the off-site temporary construction facility shall not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matters, or water carried wastes.
- B. Temporary Real Estate Facilities. Temporary real estate offices located in the tract being offered for sale may be erected in any zoning districts herein established, however, such facilities shall be removed upon completion or abandonment of the sales service. Such facilities shall not be for habitation.
- C. Mobile Home as Temporary Housing. A mobile home is permitted to be used as temporary housing for members of a family who have been residing in a dwelling that has been destroyed or damaged by a fire, flood, storm, or any similar Act of God, or condemnation by a governmental body, so as to render the dwelling uninhabitable, subject to the following conditions:
1. A mobile home may be used as temporary housing only when authorized by a zoning permit issued by the Zoning Inspector. The permit shall expire six (6) months after the date of issuance, except that the Zoning Inspector may renew such permit for one additional period not to exceed three months if the Zoning Inspector determines that a good faith effort is being made to complete the reconstruction, repair, renovation, or restoration of the destroyed or damaged

dwelling in a timely manner and that such renewal is reasonably necessary to enable such building to be made habitable.

2. The mobile home shall be removed within ten (10) days after the damaged dwelling is fit for habitation or ten (10) days after the permit expires, whichever comes first.
3. The mobile home shall have the adequate health facilities available, including running water, and toilet facilities inside the mobile home connected to a sanitary sewage system approved by the Mahoning County Board of Health or the Sanitary Engineer.
4. The mobile home shall be placed on the same lot with the existing dwelling being rebuilt or repaired and shall be located behind such dwelling, whenever possible, so that the existing dwelling screens the view of the mobile home.

#### **SECTION 410.09 TEMPORARY SALES AND SPECIAL EVENTS.**

Incidental, temporary, or seasonal sales shall be permitted in association with a residential, commercial or institutional use in compliance with the following:

- A. Garage or Yard Sales. Garaged or yard sales shall be permitted in any dwelling district. Any household may conduct within a single calendar year a maximum of two (2) sales each sale shall not exceed a three (3) consecutive days. One additional sale may be conducted in the event there is a need to conduct a moving or estate sale.
- B. Sales Conducted by Public, Non-profit or Charitable Organizations. The Zoning Inspector may authorize a public, non-profit or charitable organization to conduct a sales event, fund-raiser, or festival provided that:
  1. Such event shall be limited in time to no more than three (3) days;
  2. No more than two (2) separate events for any particular lot shall be conducted within a single calendar year;
  3. All activities are conducted on the lot;
  4. Sufficient parking areas are provided.
- C. Temporary Retail Sales. Temporary outdoor retail sales, including but not limited to sales of plants, flower, Christmas trees, crafts, farm produce or inventory reduction or liquidation sales may be permitted in any commercial district in compliance with the following regulations:
  1. No more than two (2) separate events for any particular lot shall be conducted within a single calendar year.



2. The Zoning Inspector shall review and act on an application for a temporary zoning permit for temporary outdoor retail sale events that are limited in duration to three (3) days or less.
  3. The Board of Zoning Appeals shall review and act on an application, including a development plan, for a temporary zoning permit for any temporary outdoor retail sales with a duration of more than three (3) days but not longer than forty-five (45) days, according to the conditional use procedures.
- D. Activities on Public Property. A temporary outdoor special event may be conducted on publicly owned property, provided that the application for event includes written consent from the property owner authorizing the operator of the temporary outdoor special event to conduct such event on the property as proposed. Whenever a temporary outdoor special event is proposed to be conducted in a public street right-of-way, the applicant shall submit written authorization from the Zoning Inspector to utilize the public right-of-way.
- E. Signs. Any signs employed to promote temporary sales shall comply with Chapter 430.

#### **SECTION 410.10 HEAVY EQUIPMENT.**

The parking or storage of heavy equipment is prohibited in any Residential (A-SER, R-1, or R-2) or Business District, except as may otherwise be permitted in Section 410.08A for temporary construction projects.

#### **SECTION 410.11 MATERIALS, HAZARDOUS MATERIALS AND WASTE IN WELLS.**

- A. The disposal of liquid waste, "salt water", brine, or liquid borne waste, nuclear and/or radio-active materials, chemicals, or any other objectionable material of a polluting nature into any producing, dry, abandoned, plugged, sealed, or drilled gas or oil well, mine shaft, or water well by any method above or below ground, will not be permitted in any district in the Township.

#### **SECTION 410.12 PROHIBITED USES AND ACTIVITIES**

- A. None of the following shall be permitted to be discarded, deposited, or stored in any manner in any yard in any agriculture, residential, business, or industrial district: septage, garbage, trash, waste, rubbish, ashes, cans, boxes, pallets, automobile or truck parts, tires, furniture, glass, or anything else of an unsightly or unsanitary nature.
- B. The disposal of liquid waste, "salt water", brine, or liquid borne waste, nuclear and/or radio active materials, chemicals, or any other objectionable material of a polluting

nature into and/or on any land, wetland, or body of water in any zoning district in the Township shall be prohibited.

- C. The transportation of nuclear and/or radioactive materials through the Township is prohibited.

## CHAPTER 420

### Off-Street Parking and Loading Requirements

<p>420.01 Purpose.</p> <p>420.02 Parking facilities required.</p> <p>420.03 Units of measure.</p> <p>420.04 Off-street parking standards.</p> <p>420.05 Allowance for shared parking.</p> <p>420.06 Deferred construction of required spaces.</p> <p>420.07 Off-street waiting spaces for drive-thru facilities.</p>	<p>420.08 Parking spaces for persons with disabilities.</p> <p>420.09 Parking design standards.</p> <p>420.10 Regulations for access drives.</p> <p>420.11 Off-street loading requirements.</p> <p>420.12 Improvement and maintenance standards.</p> <p>420.13 Parking lot landscaping and screening.</p> <p>420.14 Development plan review.</p>
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#### SECTION 420.01 PURPOSE.

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for uses in Jackson Township. The intent of these regulations is to protect the public health, safety and welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that those parking and loading areas be improved in a fashion which ensures the long-term desirability of the use they are accessory to.

#### SECTION 420.02 PARKING FACILITIES REQUIRED.

Accessory off-street parking spaces shall be provided as a condition precedent to the occupancy or use of any building, structure or land in conformance with the provisions of this Chapter whenever:

- A. A building is constructed or a new use is established;
- B. An existing building is altered and/or there is an increase in the seating capacity and/or floor area of a building; or
- C. The use of an existing building or structure or use of land is changed to a use requiring more off-street parking facilities.

**SECTION 420.03 UNITS OF MEASURE.**

In computing the number of parking spaces required by this Resolution, the following rules shall apply:

- A. Floor Area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- B. Seating Capacity. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each 24 lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each 20 square feet of floor area of the assembly room.
- C. Employees. Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two successive shifts.
- D. Fractional Numbers. Fractional numbers shall be increased to the next whole number.
- E. Parking for Mixed Uses. A building occupied by two or more uses, or one use that has specific parking requirements for different components of the use, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

**SECTION 420.04 OFF-STREET PARKING STANDARDS.**

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Schedule 420.04. For a use not specified in Schedule 420.04, the Zoning Inspector shall apply the standard for a specified use that the Zoning Inspector determines to be most similar to the proposed use.

**Schedule 420.04 Required Off-Street Parking Spaces**

<u>Principal Building or Use</u>	<u>Minimum Spaces Required<sup>(a)</sup></u>
A. <u>Residential Uses:</u>	
1. Single-family Dwellings and Two-family Dwellings	4 spaces per dwelling unit, at least 2 of which shall be enclosed <sup>(b)</sup>
2. Residential unit above first floor of a commercial building:	2 spaces per dwelling unit

**NOTES TO SCHEDULE 420.04:**

- <sup>(a)</sup> A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.
  - <sup>(b)</sup> For the purposes of this Section, the portion of a private driveway to access the required enclosed parking spaces may count as not more than two parking spaces.
- |   |   |
|---|---|
| 3. Congregate Care Facility including Assisted Living and Nursing Homes | 1 space for every three beds plus 1 space for every three employees |
|---|---|

<u>Principal Building or Use</u>	<u>Minimum Spaces Required<sup>(a)</sup></u>
<b>B. <u>Office, Professional Service Uses:</u></b>	
1. Business, Professional and Administrative Offices and Services (excluding Medical and Dental)	1 space per 300 sq. ft. of floor area
2. Medical, Dental Offices and Clinics, including Urgent Care Clinic	1 space per 200 sq. ft. of floor area
3. Funeral Homes	1 space per 100 sq. ft. of floor area of assembly room or 1 space for every 4 seats, whichever is greater, but in no case shall there be fewer than 20 spaces
4. Hospitals	1 space for every 2 beds, plus 1 space for every 3 employees
5. Veterinarian Office	1 space per 300 sq. ft. of floor area
<b>C. <u>Retail/Service Uses:</u></b>	
1. Retail or Personal Service Uses (except as otherwise specified below)	1 space per 200 sq. ft. of floor area
2. Bank, Financial Establishments	1 space per 250 sq. ft. of floor area
3. Beauty Parlors and Barber Shops	2 spaces per beauty or barber chair
4. Self-Serve Laundry	1 space for every 4 washing machines
5. Restaurants--Table Service	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater, plus one space for each delivery vehicle
6. Restaurants--Counter Service when located in a shopping center <sup>(c)</sup>	10 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
7. Restaurants--Counter Service when located as the only use in a free-standing building	20 spaces, or 1 space per 50 sq. ft. of floor area, whichever is greater, plus one space for each delivery vehicle
8. Snack bars in association with a principal use	1 space per 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater

NOTES TO SCHEDULE 420.04:

<sup>(a)</sup> A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.

9. Furniture and Appliance; Building Materials Sales, Supply; Showrooms of	1 space per 400 sq. ft. of floor area
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<u>Principal Building or Use</u>	<u>Minimum Spaces Required<sup>(a)</sup></u>
Plumbers, Decorators, Electricians or similar trades; Nursery and Garden Supply Establishments	
10. Hotels and Motels	1 space per guest room or suite, plus 1 space per every 2 employees
<b>D. <u>Automotive Uses:</u></b>	
1. Gasoline Stations	1 space per employee
2. Automobile Service Station, Auto Repair Garage, other similar automobile oriented businesses	2 spaces per service bay, plus 1 space per employee
3. Car /Truck Wash Facilities	1 space per employee
4. Car/Truck Sales/Rental Facilities	1 space per 400 sq. ft. of floor area of sales room, plus 1 space for each service stall in the service room
<b>E. <u>Business Entertainment/Recreation Uses:</u></b>	
1. Indoor Theaters	1 space for every 3 seats of seating capacity
2. Auditoriums and other places of public assembly	1 space for every 4 seats of seating capacity
3. Dance Halls, Skating Rinks, Private Clubs	1 space per 50 sq. ft. of floor area (including lounging and spectator area)
4. Bowling Alleys	4 spaces per lane
5. Membership Sports Fitness Center	1 space per 200 sq. ft. of exercise area, including locker and equipment rooms
6. Golf Course (Nine holes or more)	8 spaces per green
7. Golf Driving Range	3 spaces per tee
8. Miniature Golf	2 spaces per hole
<b><u>NOTES TO SCHEDULE 420.04:</u></b>	
<sup>(a)</sup> A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.	
<sup>(b)</sup> For the purposes of this Section, the portion of a private driveway to access the required enclosed parking spaces may count as not more than two parking spaces.	
<sup>(c)</sup> For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and/or a group of buildings when the required parking spaces are provided in a shared parking lot, parking deck or parking garage.	
9. Tennis, Racquet Ball, Handball Courts	4 spaces per court
10. Swimming Pools, Public (not associated	1 space per 50 sq. ft. of defined active recreation

<u>Principal Building or Use</u> with residences)	<u>Minimum Spaces Required</u> <sup>(a)</sup> area, including water, lawn, deck and bathhouse
11. Other Outdoor Recreation Facilities	1 space for every 4 seats of bleacher or stadium capacity
F. <u>General Business and Industrial Uses:</u>	
1. Wholesale Marketing and Distribution of Goods; Storage; Warehousing of Goods; Printing; Publishing	1 space per 800 sq. ft. of floor area
2. Research and Testing Laboratories	1 space per 400 sq. ft. of floor area
3. All other types of industrial uses	1 space per 400 sq. ft. of floor area
4. Mini/Self Storage	1 space for every 10 individual storage units equally distributed throughout the storage area, plus 1 space for every 25 individual storage units to be located at the project office.
G. <u>Educational Facilities:</u>	
1. Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 4 seats in the largest assembly hall
2. Senior High Schools	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 4 seats in largest assembly hall
H. <u>Community Facilities:</u>	
1. Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area
2. Library, Museum, Community Center or similar public or semi-public buildings	1 space for every 4 seats in any assembly area plus 1 space per 500 sq. ft. of remaining floor area
3. Child or Adult Day Care Center	1 space per 8 students, based on center's regulated maximum capacity

NOTES TO SCHEDULE 420.04:

<sup>(a)</sup> A minimum of five spaces is required for each facility other than a single-family or two-family dwelling.

**SECTION 420.05 ALLOWANCE FOR SHARED PARKING.**

A development plan with a reduction in the number of parking spaces required may be approved if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations when it is determined that:

- A. In a mixed-use project, or a single-use project for which the different components of the use have different parking requirements because of varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.
- B. The required parking spaces for a proposed use can be accommodated on an adjacent or nearby site and binding arrangements are made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements. In such case not more than 50 percent of the required parking spaces shall be shared.

**SECTION 420.06 DEFERRED CONSTRUCTION OF REQUIRED SPACES.**

If the number of parking spaces required in Schedule 420.04 is substantially larger than the number anticipated by the applicant for the proposed use and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- A. The total number of spaces initially constructed shall not be less than 70 percent of the spaces required by Schedule 420.04.
- B. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Schedule 420.04. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Resolution.
- C. The Zoning Inspector, or Board of Zoning Appeals for conditional uses, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in subsection B be constructed.
- D. Any additional parking shall be provided according to the approved development plan.

**SECTION 420.07 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES.**

Drive-thru establishments and other establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street waiting spaces, on the same lot as the use, in addition to the required number of parking spaces specified in Schedule 420.04, in accordance with the following requirements:



**Schedule 420.07 Minimum Number of Waiting Spaces:**

- |    |   |   |
|----|---|---|
| 1. | Establishments serving and/or selling food and/or drinks:   | 8 waiting spaces  |
| 2. | Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure: | 8 waiting spaces  |
| 3. | Facilities with service windows or service entrances such as banks, ticket booths, and other similar facilities:                | 8 waiting spaces, but not less than 5 spaces per window or stall when there are 2 or more windows or stalls |
| 4. | Self-serve car wash facilities:   | 4 waiting spaces per stall  |
| 5. | Gasoline stations:  | 2 waiting spaces per accessible side of a gasoline pump island  |
- A. Waiting Space Dimensions. Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.
- B. Prohibition on Waiting in Public Right-of-Way. Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

**SECTION 420.08 PARKING SPACES FOR PERSONS WITH DISABILITIES.**

In accordance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities.

**SECTION 420.09 PARKING DESIGN STANDARDS.**

- A. Off-street parking areas shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule 420.09, based on the angle of the spaces.
- B. Accessory off-street parking areas shall be located within 400 feet of the use to which the parking is accessory.

**Schedule 420.09 Required Dimensions of Parking Spaces**

	45°	60°	90°	Parallel
1. Width of Parking Space	10 ft	10 ft	10 ft	10 ft
2. Length of Parking Space	20 ft	20 ft	20 ft	23 ft
3. Width of Parking Aisle	18 ft	20 ft	22 ft	12 ft
4. Width of Double-loaded Parking Module	58 ft	60 ft	62 ft	30 ft
5. Circulation Aisle	17 ft	14 ft	14 ft	14 ft

**SECTION 420.10 REGULATIONS FOR ACCESS DRIVES.**

The location, width and number of entrance and exit access drives to accessory parking spaces shall be provided in accordance with the following:

**A. Number of Access Drives.**

1. Lots shall be permitted one access drive except as otherwise provided below.
2. Lots exceeding 250 feet in width shall be permitted one additional access driveway for every 200 feet, or fraction thereof, of lot width greater than 250 feet.
3. When two or more substandard lots under the same ownership are adjacent to one another, the lots shall be treated as one lot and only one access driveway shall be permitted.
4. Access for lots created after the effective date of this amendment shall be provided in accordance with standards set forth in subsection A.1. and wherever possible by shared driveway, a loop, tee or ell driveway, or rear or side access to a lot with existing driveway.

**B. Location.** Access drives shall be located in such a manner as to interfere as little as possible with the use of adjacent residential property and the flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners.

1. For parking areas having a capacity of 10 or more vehicles, the center line of the access drive apron shall be located not less than 75 feet from the nearest street intersection right-of-way line.
2. Access drives shall be located not less than 200 feet from another access drive, where possible, measured from the edge of the pavement. On state highways, access drives shall be coordinated, where possible, with driveways on the opposite side of the highway.

- C. Width. The width of access drives for non-residential uses shall comply with the following:
1. The width of each lane shall not be less than 10 feet or more than 12 feet.
  2. Access drives shall not exceed 3 lanes in width.

**SECTION 420.11 OFF-STREET LOADING REGULATIONS.**

Off-street loading spaces shall be provided and maintained for all business and industrial buildings in compliance with the following regulations:

- A. All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.
- B. Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.
- C. Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.
- D. Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

**SECTION 420.12 IMPROVEMENT AND MAINTENANCE STANDARDS.**

All off-street parking and loading facilities including parking spaces, loading spaces, waiting spaces, access drives and aisles shall be provided in accordance with the following improvement standards and specifications:

- A. Paving. Parking and loading areas, access drives, and aisles for all uses except single-family and agricultural uses shall be improved with asphalt bituminous concrete, portland cement concrete, or equivalent paved surfacing. Such paving material and base materials related thereto shall be capable of supporting all anticipated loads without damage. The owner shall, at his own expense, maintain the surface in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place.
- B. Drainage. All parking areas shall be sloped so as to direct rainwater to a storm drain or ditch which is of a size adequate to accept such water so that the adjacent properties and rights-of-way including public sidewalks shall not be subject to flooding by run-off water from the proposed parking area.
- C. Lighting. All lighting used to illuminate parking and loading areas shall be so arranged as to direct the light away from adjoining residential districts and streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

1. Light sources shall be shielded from all adjacent parcels.
  2. No open light sources such as the stringing of light bulbs shall be permitted.
  3. Light poles shall comply with the parking lot setback requirements.
- D. Signs. Signs shall be provided in accordance with Chapter 430.
- E. Maintenance. A parking area or loading space shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and the operator shall promptly remove snow and ice. The operator shall keep all adjacent sidewalks free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes.

#### **SECTION 420.13     PARKING LOT LANDSCAPING AND SCREENING.**

Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of Section 440.03.

#### **SECTION 420.14     DEVELOPMENT PLAN REVIEW.**

Any off-street parking area, loading area, aisle, or driveway which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a development plan according to the procedures specified in Chapter 230.

**CHAPTER 430****Sign Regulations**

430.01	Purpose.	430.08	Supplemental regulations for temporary signs.
430.02	Classification of Signs.	430.09	Signs exempt from regulations.
430.03	General Provisions.	430.10	Prohibited signs.
430.04	Computations.	430.11	Criteria for the design and construction of signs.
430.05	Maximum sign area and sign height.	430.12	Maintenance.
430.06	Bonus sign area for non-residential districts.	430.13	Administrative procedures.
430.07	Regulations for permanent freestanding signs.	430.14	Alteration and removal of nonconforming signs.

**SECTION 430.01 PURPOSE.**

The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating the use, size and location of signs. More specifically, the purposes of these regulations are to:

- A. Protect property values by creating a more attractive economic and business climate, and to enhance and protect the physical appearance of the community.
- B. Provide reasonable, yet appropriate, conditions for identification of uses including residential developments, institutions, businesses, and industrial establishments.
- C. Reduce sign or advertising distraction and obstructions that may contribute to traffic accidents and reduce hazards that may be caused by signs.
- D. Curb the deterioration of the natural environment and enhance community development.
- E. Minimize the negative consequences of excessive numbers or size of signs.
- F. Prohibit all signs not expressly permitted by this Chapter.

In establishing these purposes, the Township has determined that any sign that does not conform to the regulations of this Resolution, or any subsequent amendment thereto, is a public nuisance and, as such, must be abated. Nonconforming signs are unduly distracting to motorists and pedestrians, and thereby create a traffic hazard and reduce the effectiveness of signs needed to direct the public. The regulations contained in this Chapter are the minimum regulations necessary to abate the nuisance and to achieve the stated purpose of this Chapter.

**SECTION 430.02 CLASSIFICATION OF SIGNS.**

Signs shall be classified by physical design or structure and by function or purpose based on the following.

**A. Physical Design or Structure.**

1. Freestanding Sign: A sign that is supported from the ground or a structure other than a building.
2. Wall Sign: A sign erected parallel to, or painted on the surface or on the outside wall of any building, with no part of such sign projecting more than fifteen (15) inches therefrom, and which does not project above the roofline or beyond the corner of the building.
3. Window Sign: A sign on the inside of a building affixed to, or near a window for the purpose of being visible to and read from the outside of the building.

**B. Function.**

1. Directional Sign: A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.
2. Identification Sign: A sign intended to identify the principal use of a lot, development, building or building unit according to the following:
  - a) Business Identification Sign: A sign intended to announce or promote the use, activity, service or business on the premises of an office, retail, commercial or industrial use, and which may include a directory of occupants.
  - b) Residential Development Identification Sign: A freestanding sign identifying the name and address of a completed residential subdivision.
  - c) Institution Identification Sign: A sign displaying the name of the organization, activities or services occupying the premises of a public or semi-public use such as but not limited to: churches and other places of worship, hospitals, public or semi-public recreational facilities, schools, located entirely within the premises.
3. Instructional Sign: A sign that has a purpose secondary to the use on the lot that is intended to instruct employees, customers or users as to specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, specific services offered or methods of payments accepted.
4. Name Plate: A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the building.

5. Outdoor Advertising Sign - A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business, or cause not residing or located on the lot or on the building where said appliance, structure, or surface is, or is to be located. An outdoor advertising sign shall include: any cloth, card, paper, metal, painted glass, wood, plaster, stone, or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include: erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.
6. Project Construction Sign. A temporary sign located on a parcel where construction is occurring, identifying the site prior to the erection of the permanent sign and which may identify the architects, engineers, contractors, and other individuals or firms involved with the construction.
7. Public Purpose/Safety Sign: Any temporary or permanent sign erected by the Township, county, state or federal government or any other public authority, or private entity and which is intended to control traffic, direct, identify or inform the public or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy or for designation of or direction to any school, hospital, historical site, public service, property or facility. Such signs include "No Parking Fire Lane".
8. Roadside stand signs. A sign used to advertise seasonal agriculture sales of produce grown on the premises.
9. Temporary Sign: A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, structure or on the ground.

### **SECTION 430.03 GENERAL PROVISIONS.**

- A. Signs that are accessory to the principal use of the lot shall be permitted by right when such sign(s) comply with the regulations set forth in this Chapter.
- B. Outdoor advertising signs shall be considered a business use of the property and shall comply with provisions set forth in section 430.07D.

- C. A sign advertising a product or service shall be permitted only on the premises where such product or services is sold or available, except as otherwise permitted for outdoor advertising signs.

#### **SECTION 430.04 COMPUTATIONS.**

A. Determining sign area or dimension.

1. For signs in a frame or with a background, the sign area shall be that area enclosed by one (1) rectangle or painted area, the sides of which make contact with the extreme points or edges of the frame or background.
2. For signs with individual letters or irregular shaped freestanding signs. Area is calculated as the area enclosed by one or more regular geometric shapes encompassing the entire sign.
3. When elements of one sign are separated by open space, the space shall be counted in the sign area.
4. The area of a sign includes the frame but not the pole or the supporting structure when it does not form part of the sign proper, is not illuminated or otherwise determined to be part of the display.
5. Where a double face sign is displayed, only one (1) side shall be used in the computation of the sign area.

- B. Determining Sign Height. The height of a sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest element of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.

- C. Determining Building Frontage and Building Unit. The building wall that faces the principal street or building wall that contains the main entrance to the uses therein shall be considered the building frontage.

1. The building frontage shall be measured along the length of the front wall between the exterior faces of the exterior sidewalls.
2. In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
3. For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the building frontage shall be calculated separately for each building wall facing a street or having a main entrance.



4. The sign area that is located on a particular building wall shall not exceed the area permitted for such building wall.
5. For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**SECTION 430.05 MAXIMUM SIGN AREA AND SIGN HEIGHT.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in Schedule 430.05(A) for signs attached to buildings and Schedule 430.05(B) for freestanding signs, except as otherwise specified in subsections C. through E.

**Schedule 430.05(A)**

**Maximum Sign Area (In Square Feet) For Signs Attached to Buildings.**

Sign Type	Residential Districts	Business Districts		Industrial Districts
	A-SER, R-1, R-2	B-1	B-2	I-1, I-2
A. Nameplate	2 sq ft	2 sq ft	2 sq ft	2 sq ft
B. Institution Identification Signs <sup>(a)</sup>	20 sq ft	40 sq ft	40 sq ft	N/A
C. Business Identification Signs				
1. Wall signs	NP	1.5 sq ft(b)	1.0 sq ft(b)	2.5 sq ft(b)
2. Window signs	NP	25 %(c)	25%(c)	NP
D. Temporary Signs <sup>(d)</sup>				
1. Window signs	4 sq ft	25%	25%	NP
2. Special event banner attached to building	32 sq ft	32 sq ft	32 sq ft	32 sq ft
3. All temporary signs not otherwise specified above	4 sq ft	NP	NP	NP
E. Instructional Signs	Considered an identification sign unless exempt according to Sec. 430.05D.			
F. Public Purpose/Safety Government Signs	Permitted as need to achieve the intended public purpose.			

Notes to Schedule 430.05A:

- (a) Only one sign permitted, may be either a wall sign or freestanding sign.
- (b) Per linear foot of building frontage, see also Sec. 430.05C.
- (c) Of total widow area, see also Sec. 430.05C.
- (d) See also Sec. 430.08.

NP - Not permitted  
 NA - Not applicable

**Schedule 430.05(B)**  
**Maximum Sign Area (In Square Feet) and Sign Height for Freestanding Signs.**

Sign Type	Residential Districts		Business Districts				Industrial Districts	
	A-SER, R-1, R-2		B-1		B-2		I-1, I-2	
	Area	Height	Area	Height	Area	Height	Area	Height
A. Residential Development Identification Sign	20 sq ft	6 ft	N/A	N/A	N/A	N/A	N/A	N/A
B. Institution Identification Sign <sup>(a)</sup>	20 sq ft	6 ft	40 sq ft	6 ft	40 sq ft	6 ft	N/A	N/A
C. Business Identification Sign								
1. Freestanding Sign, except as permitted below.	NP <sup>(b)</sup>	NP	50 sq ft <sup>(c)</sup>	8 ft	50 sq ft <sup>(c)</sup>	8 ft	50 sq ft <sup>(c)</sup>	8 ft
2. When located within 1,000 feet of a highway interchange	NP	NP	50 sq ft <sup>(c)</sup>	25 ft	50 sq ft <sup>(c)</sup>	8 ft	50 sq ft <sup>(c)</sup>	25 ft
D. Directional Sign	NP	NP	3 sq ft	3 ft	3 sq ft	3 ft	3 sq ft	3 ft
E. Temporary Sign <sup>(d)</sup>								
1. Project Construction Sign	32 sq ft	8 ft	32 sq ft	8 ft	32 sq ft	8 ft	32 sq ft	8 ft
2. Special Event	32 sq ft	8 ft	32 sq ft	8 ft	32 sq ft	8 ft	32 sq ft	8 ft
3. All temporary signs not otherwise specified above	4 sq ft	8 ft	16 sq ft	8 ft	16 sq ft	8 ft	16 sq ft	8 ft
F. Roadside Stand Sign	20 sq ft	6 ft	32 sq ft	8 ft	32 sq ft	8 ft	32 sq ft	8 ft
G. Instructional Sign	Considered an identification sign unless exempt pursuant to Sec. 430.05D No height limit, See also Sec. 430.05D.							
H. Public Purpose/Safety Government Sign	Permitted as need to achieve the intended public purpose.							

Notes to Schedule 430.05B:

- (a) Only one sign permitted, may be either a wall sign or freestanding sign.
- (b) Except as otherwise permitted for a roadside stand sign.
- (c) See also Sec. 430.07.
- (d) See also Sec. 430.08.

sq ft = square feet  
 ft = feet

NP - Not permitted  
 NA - Not applicable

- C.** Business Identification Signs in Non-Residential Districts. The maximum permitted area for business identification signs shall comply with the following:
1. Wall Signs.
    - a) The maximum area for signs attached to a building shall be computed by applying the formula contained in Schedule 430.05A.
    - b) This maximum area shall be the sum of the areas of all signs attached to the building and shall include the area of instructional signs unless such instructional signs are determined to be exempt pursuant to subsection D., below.
    - c) Minimum of 20 square feet of identification signs attached to the building permitted for a building.
    - d) No wall sign shall exceed maximum of 200 square feet in the business districts and 500 square feet in industrial districts, except as otherwise permitted according to Sec. 430.06.
  2. Freestanding Signs. The maximum area for freestanding identification signs shall comply with the maximum area specified in Schedule 430.05A, except as otherwise permitted in Sections 430.07A.7 and 430.07A.8.
  3. Window Signs. The maximum area for permanent identification signs placed in or painted on a window shall be the percentage of the window area specified in Schedule 430.05A.
- D.** Instructional Signs. The area of instructional signs that are clearly intended for instructional purposes, as determined by the Zoning Inspector, or Board of Zoning Appeals for conditional uses, shall not be included in the sum of the area of identification signs, provided such signs comply with the following:
1. The sign is not larger than necessary to serve the intended instructional purpose, and
  2. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign.
- E.** Architectural Features. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. An architectural feature is any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms complementing the site in general.

**SECTION 430.06 BONUS SIGN AREA FOR NON-RESIDENTIAL DISTRICTS.**

Additional area for business identification wall signs shall be permitted for lots in the B-1, B-2, I-1 and I-2 Districts that meet the following requirements.

**A. Corner Lots and Side and Rear Entrances.**

1. Allowable additional area for business identification wall signs when a building has a secondary frontage because of one or more of the following characteristics:
  - a) Has frontage on more than one street; or
  - b) Has a customer entrance facing a parking lot and such parking lot does not face the main street.
2. Area for secondary building frontage shall be 20 percent of the sign area permitted for the primary frontage provided that:
  - a) The additional sign area is utilized only on the secondary building frontage; and
  - b) The sign area permitted on the principal building frontage may, be redistributed along the secondary building frontage(s) provided that the total sign area facing the secondary street(s) or parking lot, does not exceed the formula set forth in Schedule 430.05A.

- B. Large Building Setbacks. The maximum allowable area for identification wall signs may be increased by 0.5 square foot of sign area for each foot of building frontage when the principal building is set back more than 200 feet from the principal street on which the building is located.

**SECTION 430.07 REGULATIONS FOR PERMANENT FREESTANDING SIGNS.**

Freestanding signs shall be permitted in compliance with the following regulations:

- A. Freestanding Business Identification Signs in Non-Residential Districts permitted only in compliance with the following requirements.
1. Minimum Building Setback and Lot Width. Freestanding signs are permitted only when the principal building is set back from the street right-of-way a minimum of 30 feet.
  2. Maximum Number of Freestanding Signs. One freestanding sign shall be permitted per project or development, except as otherwise permitted in Section 430.07A.7 below.

3. Minimum Sign Setback From Street.
  - a) Signs shall be located no closer than 10 feet from the street right-of-way line.
  - b) All signs shall be placed so as not to obstruct sight lines for vehicles or pedestrians.
  - c) On corner lots, freestanding signs shall be erected no closer than 50 feet to any intersection except as otherwise permitted in subsection 430.07A.7 below.
4. Minimum Sign Setback From Side Lot Lines. Signs shall be located no closer than 10 feet to any side lot line, except that when a side lot line coincides with a residential zoning district boundary line, in which the minimum setback shall be 50 feet.
5. Landscaping. Freestanding signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots.
6. Multi-Tenant Facilities. For sites with more than one tenant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor tenant, all tenants, or some combination thereof.
7. Additional Area for Corner lots. One additional freestanding sign may be permitted for a corner lot provided that:
  - a) The total lot frontage of both streets is not less than 200 feet;
  - b) The area of each freestanding identification sign complies with Schedule 430.05B, and the total area of both freestanding signs shall not exceed 175 percent of the maximum area permitted for a single sign;
  - c) The second freestanding sign is clearly located to provide identification along the secondary street; and
  - d) The two signs may be aggregated into a single sign at the corner provided that the area of any freestanding sign face shall not exceed 90 square feet, unless otherwise permitted in subsection 8 below.

8. Additional Area for Large lots. The area and number of freestanding signs on large lots may be increased according to the following:
  - a) The allowable area of any freestanding sign face may be increased by 1 square feet of area for every 5 linear feet of lot frontage greater than 200 feet.
  - b) The allowable area pursuant to this Section may be distributed to one freestanding sign for each 250 feet of the lot frontage or fraction thereof.
  - c) Notwithstanding any provision of this section, the area of any freestanding sign shall not exceed 200 square feet.
  
- B. Freestanding Residential Development Identification Signs. One freestanding residential development identification sign shall be permitted for each entrance to a residential subdivision pursuant to the area and height limitations set forth in Schedule 430.05B in compliance with the following regulations:
  1. Such signs shall be placed on private property no closer than 15 feet from the street right of way, and shall be located no closer than 25 feet to a side lot line.
  2. A maximum of two sign faces shall be permitted per entrance: either as a double-sided freestanding sign or as two single-sided signs either freestanding or mounted on a wall or other entrance feature.
  
- C. Freestanding Institution Identification Signs in Residential Districts. Institution identification signs shall be located no closer than 20 feet from the street right of way, and no closer than 50 feet to a side lot line.
  
- D. Freestanding Billboard/ Outdoor Advertising Sign. Freestanding billboard signs are regulated as a business use in business and industrial districts and on lands used for agricultural purposes and shall be permitted only in compliance with the following requirements:
  1. Not more than one billboard sign shall be erected on a lot.
  2. On land used for agricultural purposes in a residential district a billboard sign shall not exceed 72 square feet in area and 12 feet in height and shall be located a minimum of 25 feet from the street right-of-way and 50 feet from side and rear property lines.
  3. On a vacant lot in a nonresidential district, a billboard sign shall not exceed 200 square feet or a height of 25 feet. Such sign shall be located a minimum of 25 feet from the street right-of-way and 50 feet from side and rear property lines.

4. When located on a lot in combination with another business use in a nonresidential district, a billboard sign shall comply with the area, height and setback regulations for accessory freestanding business identification signs set forth in Schedule 430.05B and Section 430.07. The billboard sign shall take the place of the freestanding business identification sign permitted in Schedule 430.05B.
5. Notwithstanding the regulations set forth in Subsections 2, 3, and 4 above, billboards located a maximum of 800 feet, but not less than 660 feet, from an expressway shall not exceed 360 square feet in area or 25 feet in height.
6. A billboard shall have a minimum clearance of 12 feet between the ground and the lowest portion of the sign frame.
7. A billboard shall not be located nearer than 1,000 feet from another billboard.
8. Billboards located along a state highway, interstate highway, or designated federal aid primary system highway shall conform to all applicable state (O.D.O.T.) provisions.

#### **SECTION 430.08 SUPPLEMENTAL REGULATIONS FOR TEMPORARY SIGNS.**

The following regulations are in addition to the maximum sign area and height regulations for temporary signs set forth in Schedules 430.05A and 430.05B.

- A. Project Construction Signs. A project construction sign shall be permitted only in compliance with the following:
  1. There shall be not more than one project construction sign per residential subdivision or lot proposed for a nonresidential development.
  2. Project construction signs shall be located no closer than 25 feet from any street right of way.
  3. The sign shall be erected and maintained on a lot only during the period of time that the building project is under construction. A project construction sign shall be removed within 14 days of commencement of the intended use or within two days of the erection of a permanent identification sign, whichever comes first.
- B. Other Temporary Signs in Residential Districts. Temporary signs are permitted in Residential Districts subject to the following provisions:
  1. For Residential Uses:
    - a) Each residential unit shall be permitted to erect one temporary sign either in a window or as a freestanding sign in the front yard. Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall either be removed or replaced



- b) In addition to subsection B1a) above, each residential unit shall be permitted to erect four temporary signs for a period not to exceed 45 consecutive days on two separate occasions in any given year.
  - c) Temporary freestanding signs shall be located no closer than 10 feet from a public right-of-way or a side lot line.
  - d) Temporary commercial signs shall not be permitted in residential districts except for the following:
    - 1) One temporary sign promoting a garage sale shall be permitted. Such sign shall be posted on private property for a period not to exceed 72 hours, no more than 2 times in a year.
    - 2) One roadside stand sign that shall be removed at the end of the season.
2. For Institutional Uses. One freestanding temporary sign or one banner attached to the front of the building shall be permitted for a period not to exceed 30 days not more than twice per calendar year. A temporary freestanding sign shall be located no closer than 20 feet from the street right-of-way line.
- C. Other Temporary Signs in Commercial and Industrial Districts. Temporary signs are permitted subject to the following provisions:
- 1. Temporary window signs shall be attached to the interior of the building and shall comply with the following:
    - a) The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed the percentage of the window area as set forth in Schedule 420.05A. This area is in addition to the allowable sign area for identification signs permanently attached to windows.
    - b) All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall either be removed or replaced.
  - 2. One temporary special event sign, either a freestanding sign or a banner attached to the front of the building, shall be permitted for a period not to exceed 30 days not more than twice per calendar year.
  - 3. In addition to the above, each business shall be permitted to erect one other sign in compliance with Schedule 430.05B. Such temporary sign shall be displayed for no longer than 30 days, after which time it shall either be removed or replaced.
  - 4. All temporary freestanding signs shall be located no closer than 20 feet from the street right-of-way line.

**SECTION 430.09 SIGNS EXEMPT FROM REGULATIONS.**

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the building in which such sign is located.
- C. Works of art that do not include a commercial message.
- D. Religious and other holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- E. Flags of the United States, the state, foreign nations, or flag adopted or sanctioned by an elected legislative body or competent jurisdiction. Flags must be flown in accordance with protocol.

**SECTION 430.10 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Sec. 430.09 are prohibited in the Township. Such signs include but are not limited to the following:

- A. Animated, flasher, blinker, racer type, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, except those exempt under the previous Section and other similar types of attention-getting devices.
- B. Signs on temporarily placed vehicles and trailers.
- C. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
- D. Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- E. Sign containing words, images, or graphic illustrations of an obscene or indecent nature.

SECTION 430.11 CRITERIA FOR THE DESIGN AND CONSTRUCTION OF SIGNS.

General Criteria

1. **A. DEFINITION:** For the purpose of this section, the words "billboard", "digital/electronic sign" and "sign" shall have the same meaning as provided in the Township Zoning Resolution. Digital Billboards are electronic image displays that present multiple static advertisements on a rotating basis which incorporates in whole or in part a digital sign.

2. Signs. If seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building of block.

3. Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

**B.** Illumination. Signs shall be permitted to be illuminated by internally or reflected light in compliance with the following:

1. Light sources shall be shielded from all adjacent buildings and streets. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
3. No flashing, moving/scrolling or intermittent lighting shall be used
4. The display or message on a digital sign, of any type, may change no more frequently than once every eight (8) seconds, with a transition period of one (1) second or less.
5. The digital sign must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light consistent with terms of this Resolution.
6. Signs shall not be lighted to obstruct traffic control or any other public informational signs. Signs Visible from sight lines along streets shall not contain symbols or words, or red and green lights That resemble highway traffic signs or devices.

- C. Fences and Walls. Fences and walls may be erected in an Industrial District in compliance with the following and Section 440.07 and shall be subject to development plan review.
1. Fences and walls shall comply with the following height regulations.
    - a) Fences in a front, side and rear yards shall not exceed ten (10) feet in height, including any barbed wire.
    - b) Walls in a front, side and rear yards shall not exceed six (6) feet in height.
  2. Fences and walls shall comply with the following openness requirements.
    - a) All fences in a front yard shall have a minimum of 50% openness when viewed at a 90-degree angle. The openness shall be evenly distributed throughout the fence.
    - b) Fences with less than 50% openness when viewed at a 90-degree angle shall be located in a side or rear yard and shall comply with the yard requirements for buildings set forth in Section 350.05.
  3. All fences and walls shall be of uniform design and shall be well maintained.
  4. Fences and wall used for buffering and screening shall comply with the regulations set forth in Chapter 440.
- D. Heating and Cooling Units. Heating units and cooling coils or condensers shall be placed in the rear yard and shall conform to all side and rear yard requirements for buildings set forth in Schedule 350.05.
- E. Signs. Signs shall be regulated in accordance with Chapter 430.

C. Construction Standards.

1. No sign shall be located in the public right-of-way, extend over the public right-of-way or attached to a utility pole, tree, trash receptacle, bench, vending machine, public shelter, or other structure not intended or approved as a sign support.
2. No sign shall be located as to constitute a traffic or safety hazard.
3. All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of Township, County and State regulations and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
4. All wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Mahoning County building inspectors electric code.

5. All signs shall be designed and constructed to carry the weight of the entire sign, and shall comply with the Mahoning County building code.
6. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Resolution, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
7. No sign shall be located on the roof of any building.
8. All signs hung or erected shall be plainly marked with the name, address, and telephone number of the person, firm, or corporation responsible for maintaining the sign.

#### **SECTION 430.12 MAINTENANCE.**

The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.

#### **SECTION 430.13 ADMINISTRATIVE PROCEDURES.**

- A. Signs Requiring a Permit. No sign shall be erected or placed in any district unless a zoning permit is first obtained showing the size, height, and location of sign on the property or on the building, unless the sign is exempt from the permit requirement according to subsection B below.
- B. Signs Not Requiring a Permit. The following signs shall be permitted without a property owner first obtaining a permit provided that all applicable regulations of this Chapter are complied with:
  1. Nameplates of 2 square feet or less.
  2. Temporary signs for single-family and two-family dwellings;
  3. Public purpose and safety signs (government signs);
- C. Application Requirements. Applications shall be submitted in compliance with the development plan review procedures of Chapter 230 and shall include the following:
  1. Two copies of the proposed sign; at least one of which shall depict the actual colors of the building and sign, either drawing or photo;
  2. A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks;

3. Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, and materials of the sign and the frame or structure; and
  4. Construction, erection or fastening details.
- D. Review Procedures. The Zoning Inspector shall review the application according to the development plan procedures set forth in Chapter 230.

#### **SECTION 430.14 ALTERATION AND REMOVAL OF NON-CONFORMING SIGNS.**

- A. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. Removal of such signs will be completed within 30 days from the date of vacancy or within 30 days of discontinuance of business. For the purpose of this paragraph, a sign shall be defined to include both the sign face and the poles and supports.
- B. Signs not removed when permits have expired or not complying with the above mentioned conditions shall be deemed in violation of the Zoning resolution.
- C. Nonconforming signs shall be removed and any subsequent modification or replacement, excluding routine maintenance shall conform to all requirements of this Chapter:
1. When more than 50 percent of the value of the sign has been destroyed or has been taken down;
  2. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days; and
  3. Following 5 years from the date of this amendment to this Chapter that made the sign nonconforming.
- D. A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:
1. When the existing use has new ownership which results in a change in the name of the use or business on the property;
  2. When the space is reoccupied by a similar use and the new occupant requires no external building or sit renovation; or
  3. A new sign pursuant to this subsection may be changed by replacing a sign panel or by repainting a sign face only. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.





## CHAPTER 440

### Landscaping and Screening Requirements

440.01	Purpose.	440.05	Screening of accessory uses.
440.02	Landscaping along the street frontage.	440.06	Landscaping and maintenance of yards.
440.03	Screening and landscaping of parking lots.	440.07	Approval process for required landscaping, fences and walls.
440.04	Screening and buffering of residential uses.		

#### **SECTION 440.01 PURPOSE.**

Landscaping, visual screening and buffer zones shall be provided for all non-single family uses for the following purposes: to remove, reduce, lessen or absorb the impact between one use or zone and another; to break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; to obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas; and to provide protection from soil erosion.

#### **SECTION 440.02 LANDSCAPING ALONG THE STREET FRONTAGE.**

For any non-residential development, the area adjacent to the street right-of-way, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained.

- A. Five (5) major shade trees, for every 100 linear feet of lot/development frontage or fraction thereof, not including drive entrances.
  - 1. Each tree, at the time of installation, shall have a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
  - 2. For the purpose of these regulations, a major shade tree shall be a tree normally growing to a mature height of 20 feet and a mature spread of at least 15 feet.
- B. Twenty (20) shrubs for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
- C. Grass, ground covers or other live landscape treatment, excluding paving or gravel.
- D. Trees and shrubs may be aggregated appropriately.

**SECTION 440.03 SCREENING AND LANDSCAPING OF PARKING LOTS.**

Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements.

**A. Interior Parking Lot Landscaping.**

1. For any parking area designed to accommodate 40 or more vehicles, not less than 5 percent of the parking lot area shall be planted as landscaped islands. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.
2. Such islands shall be developed and evenly distributed throughout the parking lot to provide visual and climatic relief from broad expanses of pavement.
  - a) Each island shall be a minimum of 10 feet in any horizontal dimension and shall provide at least one major shade tree having a clear trunk height of at least 6 feet and a minimum caliper of 2 inches.
  - b) Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping.

**B. Screening of Parking Lot Across the Street from Residential Districts.** Whenever parking areas consisting of five spaces or more are located directly across the street a residential district, screening shall be required between the street right-of-way line and the parking lot. Such screening shall comply with the following:

1. A minimum of 25 shrubs shall be provided for every 50 feet of parking lot length parallel to the street.
2. The shrubs shall have a minimum height of three feet. Shrubs shall reach the required height within one year of planting.
3. The shrubs shall be located parallel to and within 5 feet of the edge of the parking lot

**SECTION 440.04 SCREENING AND BUFFERING OF RESIDENTIAL USES.**

When a lot in any Business or Industrial District abuts a Residential District and for all nonresidential uses permitted as a conditional use in a residential district, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations.

- A. Width of Buffer Zone. Each required buffer zone shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Screening. Screening within the buffer zone shall consist of one (1) or a combination of two (2) or more of the following:

1. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.
  2. A non-living opaque structure such as a solid masonry wall, or a solid fence that is compatible with the principal structure.
  3. A fence with openings through which light and air pass together with a landscaped area at least ten feet wide.
  4. A maintained, landscaped earthen-mound at least 5 feet wide.
  5. Maintenance of the existing natural vegetation that, in its natural state, forms a solid visual screen.
- C. Height of Screening. The height of screening shall comply with the following:
1. Screening elements required for lots in residential or business districts shall have a minimum height of 6 feet measured from the natural grade, in order to accomplish the desired screening effect.
  2. Screening elements required for lots in industrial districts shall have a minimum height of 8 feet measured from the natural grade, in order to accomplish the desired screening effect.
  3. When the screening elements are comprised of vegetation, the required height shall be achieved no later than twelve months after the initial installation.
- D. Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer zone to maximize the screening effect. The buffer zone plan shall be specific to the type of option to be used.
- E. Screening And Buffering Responsibility. In the event land is rezoned from an industrial district to a residential district so that the newly established residential district abuts an existing industrial use in an industrial district, it shall be the responsibility of the newly created residential property to provide the screening required in this Section. This screen planting and buffering shall be located on the residential property abutting the industrial district, and shall be maintained by the residential property owner(s).

**SECTION 440.05 SCREENING OF ACCESSORY USES.**

The following accessory uses shall be screened from any adjacent street or adjoining property.

- A. Dumpsters shall be enclosed on all four sides by an opaque fence or wall having a minimum height of six (6) feet.
- B. Each loading area shall be screened along any perimeter that faces a street right-of-way or adjoining property according to the screening requirements set forth in Section 440.04, subsections B, C and D.

**SECTION 440.06 LANDSCAPING AND MAINTENANCE OF YARDS.**

Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

- A. All screening shall be free of advertising or other signs, except for pertinent instructional signs.
- B. The required landscaping shall be maintained in healthy condition by the current owner. In the event any required landscaping material dies or is destroyed, it shall be replaced within 6 months. Replacement material shall conform to the original intent of the landscape plan.
- C. Vehicle parking shall not be permitted in landscaped areas.

**SECTION 440.07 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.**

- A. The location of proposed landscaping, fence or wall shall be reviewed and approved as part of a development plan pursuant to Chapter 230. However, when a fence or wall is proposed on a site at a separate time from any other development for new construction, additions or site renovation, a fence or wall may be approved by the Zoning Inspector when the Zoning Inspector determines that the proposal:
  - 1. Complies with the requirements of this Section;
  - 2. Is consistent with any previously approved plan;
  - 3. Is compatible with the current site development if there is no approved plan; and
  - 4. Will have a minimum adverse impact to the surrounding areas.
- B. Fences and walls in residential districts shall comply with the regulations set forth in Chapter 310 and be reviewed by the Zoning Inspector according to Chapter 220.

## CHAPTER 450

### Regulations for Wireless Telecommunication Facilities

450.01	Purpose.	450.06	Standards applicable to all wireless telecommunications facilities.
450.02	Definitions.	450.07	Abandoned telecommunications facilities.
450.03	Permitted locations.	450.08	Approval required.
450.04	Locations requiring conditional use approval.		
450.05	Colocation covenant of good Faith.		

#### SECTION 450.01 PURPOSE.

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

- A. To protect property values;
- B. To regulate a commercial use so as to provide for orderly and safe development within the Township;
- C. To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
- D. To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- E. To promote colocation of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

#### SECTION 450.02 DEFINITIONS.

- A. Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.

- B. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- D. Telecommunications: The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

### **SECTION 450.03 PERMITTED LOCATIONS.**

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector. Efforts shall be made to locate in the areas listed in the order of priority listed.

- A. First priority. New wireless antennas may colocate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, and cooling towers provided that the height of the antenna shall not exceed 20 feet above the highest point of the existing structure, except as otherwise regulated in Section 450.06.
- B. Second priority. A wireless telecommunication tower and/or antenna facility may be located in a B-1, B-2, I-1 or I-2 zoning district.
- C. Third priority: A wireless telecommunication tower and/or antenna facility may be located within a recorded electric high tension power line or easement, shall not exceed the height of the existing high tension power line towers and shall be located within 40 feet of such existing towers.

**SECTION 450.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.**

A wireless telecommunications tower or facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 390.02 and the procedures set forth in Chapter 250.

A. Locations. Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas, in the order of priority listed.

1. First Priority. In an A-SER or R-1.
2. Second priority. In an R-2 District.

B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:

1. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in Section 450.03; or
2. If another tower, building or structure set forth in Section 450.03 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure; or
3. If an area set forth in Section 450.03 is technically suitable, the applicant must show that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 450.03 under reasonable terms and that each request was rejected.

With the conditional zoning certificate application, the applicant must demonstrate that a technically suitable location is not available in a two-mile radius in any area set forth in Section 450.03 and shall list the location of every tower, building or structure and all of the areas set forth in Section 450.03 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

**SECTION 450.05 COLOCATION COVENANT OF GOOD FAITH.**

- A. All towers, owned by a licensed carrier, upon which this Chapter permits collocation of additional antennae shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically colocated thereon. However, such licensed carrier may charge a reasonable fee for the collocation of additional antennae upon said tower.
- B. All licensed carriers shall cooperate with each other in colocating additional antennae upon such towers. All licensed carriers shall exercise good faith in colocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to collocate upon its tower, the Zoning Inspector may require a third party technical study to evaluate the feasibility of collocation at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this Chapter for a new tower.
- C. Any licensed carrier that allows collocation upon a tower permitted pursuant to this Chapter may condition said collocation to assure that the colocated antennae does not cause electronic or radio-frequency interference with its existing antennae. In the event that the colocated licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow collocation of the interfering antennae upon its structure.

**SECTION 450.06 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATION FACILITIES.**

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- B. The minimum setback of the tower from all property lines shall be:
  - 1. A distance equal to 110 percent of the height of the tower, and all tower supports/guywires shall be setback a minimum of 25 feet from all property lines, or
  - 2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:
    - a) 40 feet from any property line abutting a nonresidential lot.
    - b) 75 feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure, shall comply with the front yard setbacks for the district in which it is located.



- C. Towers located as a permitted use in accordance with Section 450.03 shall not exceed a height of 200 feet and may be either monopole structures or lattice-type structures.
- D. Towers located as a conditional use in accordance with Section 450.04 shall not exceed a height of 200 feet and shall be monopole structures.
- E. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 15 feet and shall not exceed 450 square feet in area, either above or below ground.
- F. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.
- G. Prior to receiving approval for a new tower with a height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited, to: height, opportunities for colocation, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).
- H. The base of the tower, including any guy wires, and all related facilities shall be completely enclosed with a secure fence having a minimum height of 8 feet. Such fence shall be equipped with a locked gate and the fence shall be completely screened from view by at least one of the following:
  - 1. A row of evergreen trees spaced not less than ten feet on center. The initial plantings shall be no less than six feet tall.
  - 2. Existing vegetation, inclusive of trees and shrubs, shall be preserved to the maximum extent possible.
  - 3. Other appropriate landscaping that achieves the screening objective.
- I. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- J. The tower shall be equipped with an appropriate anti-climbing device or shall have all climbing pegs from the lower 20 feet of the tower removed and separately secured from the public.

- K. The tower shall not be artificially lighted except as required for security and safety, or by the Federal Aviation Authority. Any lighting so required shall be installed to minimize the impact on adjoining properties.
- L. Any accessory buildings shall comply with the location regulations set forth for the district in which the tower is located.
- M. “No Trespassing” signs and a warning sign shall be posted on the required fence in clearly visible locations. The warning sign shall include phone numbers for the police, fire and county emergency management facilities, and a local or toll free telephone number of whom to contact in the event of an emergency. The warning sign shall be 12 inches by 12 inches. No other signs or advertising shall be located anywhere on the facility.

#### **SECTION 450.07 ABANDONED TELECOMMUNICATIONS FACILITIES.**

- A. In the event use of the tower ceases for a period of three months, the owner or operator of a tower shall submit a written report to the Zoning Inspector within 30 days of cessation.
- B. Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within 180 days after receipt of a notice from the Zoning Inspector to do so.
- C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.
- D. If a tower and facilities are not removed within 90 days after receipt of a notice from the Township requiring said removal, the Township may seek and obtain a court order directing such removal and imposing a lien on the property upon which such tower is situated in an amount equal to the cost of removal.
- E. The site shall be restored to its original state within six (6) months following the date that the tower is no longer operational.

#### **SECTION 450.08 NOTIFICATION AND APPROVAL REQUIRED.**

- A. Notification Required. Any person who plans to construct a telecommunications tower in an area subject to township zoning regulations shall provide the following by certified mail:
  - 1. Written notice to each owner of property, as shown on the county auditor’s current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

- a) The person's intent to construct the tower;
  - b) A description of the property sufficient to identify the proposed location;
  - c) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the Board of Trustees requesting that the proposed telecommunication tower comply with the regulations set forth in this Chapter. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
2. Written notice to the Board of Trustees of the information specified in items 1.a) and b) above. The notice to the board also shall include verification that the person has complied with item 1.c) of this section.
  3. Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.
- B. Trustee Action. If the Board of Trustees receives notice from a property owner within the time specified in Subsection A.1.c) or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the zoning regulation no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection.
- C. Approval. All wireless telecommunications towers and facilities subject to these zoning regulations shall comply with the procedures for development plan review set forth in Chapter 230. In addition to the submission requirements set forth in Section 230.05, the applicant shall submit the following addition items.
1. Detailed description of the wireless telecommunications tower's or facility's capacity including the number and types of antenna that it can accommodate.
  2. Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).

3. Vicinity map (at a scale of 1" = 1000") indicating within a two-mile radius of the proposed site the location of all wireless telecommunications towers and facilities and electrical utility high-tension wires.
4. A reclamation plan that indicates the methods to restore the site to its original state after a wireless telecommunications tower or facility is no longer operational.
5. The applicant shall post a performance bond in the amount set by the Township Trustees.
6. The applicant shall supply the Jackson Township Fire Department with the following:
  - a) Either a key, key card, remote control or other similar device for use by the Fire Department to gain access to the secured gate in case of emergency.
  - b) A list of names and phone numbers of whom to contact in an emergency. This list shall be kept current at all times.
  - c) A list of any and all hazards that are within the secured area.

**CHAPTER 490**

**Nonconforming Uses, Buildings, Lots and Structures**

490.01	Purpose.	490.07	Nonconforming use due to reclassification.
490.02	Nonconforming buildings or structures.	490.08	Change from nonconforming use.
490.03	Nonconforming use of buildings and land.	490.09	Existing use deemed conditional use; permit required for change.
490.04	Nonconforming parking facilities.	490.10	Determination of nonconforming status.
490.05	Nonconforming signs.	490.11	Completion of construction with zoning permit.
490.06	Nonconforming lots.		

**SECTION 490.01 PURPOSE.**

Within the districts established by this Resolution or by amendments that may later be adopted, there exists uses that were lawful before this Resolution or amendments were passed but which would be prohibited under the terms of this Resolution, they shall be known as nonconforming uses. It is the intent of this Resolution to permit nonconforming uses to continue, until they are removed or discontinued but not to encourage their survival.

A nonconforming lot, use, building or structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

**SECTION 490.02 NONCONFORMING BUILDINGS, STRUCTURES OR LAND.**


A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located, so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions.

- A. Maintenance and Repair. A nonconforming building or structure may be maintained and work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the order of any official charged with protecting the public safety.
- B. Additions and Moving. A nonconforming building or structure shall not be added to, enlarged or moved unless the addition(s) or part(s) moved complies with the zoning regulations of the district in which it is located. A nonconforming use may be altered to decrease its nonconformity.
- C. Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any cause, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure provided the cumulative restoration costs do not exceed 50% of the replacement cost of the building or

structure at the time of such damage. Such restoration shall be completed within a period of one year from the date of damage or destruction. Any restoration that exceeds the original footprint and/or floor area shall comply with Subsection 490.02B.

### SECTION 490.03 NONCONFORMING USE OF BUILDINGS AND LAND.

A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Alteration, Reconstruction, of a Building Occupied by a Nonconforming Use. No building or structure occupied by a nonconforming use shall be altered, improved or reconstructed except upon prior approval of the Board of Zoning Appeals and then only if the cumulative cost of the alteration, reconstruction or improvement does not exceed 50% of the building's replacement value.
- B. Expansion of Nonconforming Use. A nonconforming use shall not be physically enlarged or extended to a part of the building and/or lot that was not occupied by the use at the time it became nonconforming.
- C. Change of Use. A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals, on appeal, decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitted such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.
-  D. Discontinuance of Use. Discontinuance of the nonconforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment of such use and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located.
- E. Damage or Destruction. In the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.
- F. If a nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**SECTION 490.04 NONCONFORMING PARKING FACILITIES.**

A building or use existing lawfully at the time this Zoning Resolution, or an amendment thereto, became or becomes effective, which does not comply with off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided so that the nonconforming parking condition is not increased.

**SECTION 490.05 NONCONFORMING SIGNS.**

A sign, lawfully existing at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 430.14.

**SECTION 490.06 NONCONFORMING LOTS.**

A lot of record that does not comply on the effective date of this Zoning Resolution or any amendment thereto with the lot area or width regulations of the district in which the lot is located may be used as follows:

- A. Residential Lots. If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Zoning Resolution, with the exception of the lot area and the lot width regulations. A single-family dwelling shall not be converted to a two-family dwelling unless the lot, building and use comply with all of the district regulations, including lot area.
- B. Single Nonconforming Lots of Record. If a non-conforming lot is in separate ownership and not of continuous frontage with other lots in the same ownership, the following provisions shall apply:
  1. Any lot not meeting the minimum area requirements and being a lot of record or lot for which a land contract has been issued, or any lot within an unrecorded allotment, of which at least one-half (1/2) of said lots are of record or have been sold on land contract on the effective date of these regulations, may be developed with a single-family dwelling unit when the single-family dwelling unit, and uses and structures accessory thereto, can be located on the lot in compliance with the front, side and rear yard setbacks, and all other requirements of the district except those that pertain to the lot area or lot width requirements. In such case, the Zoning Inspector shall have the authority to issue a zoning permit.
  2. The Board of Zoning Appeals shall review and approve uses, buildings and structures proposed for the following:
    - a) Single vacant nonconforming lots in single-family districts that do not meet the criteria set forth in Subsection 1 above.

- b) Single vacant nonconforming lots in all non-single-family districts.
- C. Lots in Combination. If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development.

**SECTION 490.07 NONCONFORMING USE DUE TO RECLASSIFICATION.**

The provisions of this chapter shall also apply to any building, structure, land or other use hereafter becoming nonconforming as a result of amendments made to this Zoning Resolution or Zoning Map.

**SECTION 490.08 CHANGE FROM NONCONFORMING USE.**

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no nonconforming use shall be made, resumed or reinstated.

**SECTION 490.09 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.**

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Resolution or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conforming conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in ownership shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set forth in Chapter 390.

**SECTION 490.10 DETERMINATION OF NONCONFORMING STATUS.**

At the time of application for a zoning permit or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Board of Zoning Appeals to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time. If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this Resolution, the Zoning Inspector shall issue a certificate of nonconforming use.

**SECTION 490.11 COMPLETION OF CONSTRUCTION WITH ZONING PERMIT.**

Nothing in this Zoning Resolution shall prohibit the completion of the construction and use of buildings for which a zoning permit has been issued prior to the effective date of this Zoning Resolution, or amendments thereto, provided that construction is commenced within 90 days after the issuance of such certificate, that construction is carried on diligently and without interruption and the entire building is completed within two years after the issuance of the zoning permit.