

Proposed
ZONING RESOLUTION
ELLSWORTH TOWNSHIP
Mahoning County, Ohio

April 12, 2016 Draft

Adopted by
Ellsworth Township Trustees on xx/xx/xxxx

Recommended by
Ellsworth Township Zoning Commission on xx/xx/xxxx

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A RESOLUTION

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

Approved at the General Election November 4, 1969

Revised Under Section 519.12 of the Ohio Revised Code

Dates of Revisions January 4 and June 7, 1973

April 19, 1974, July 1980, April 1, 1997, September 14, 1999,

December xx, 2009, May 10, 2011, xx/xx/xxxx, August 7, 2015 and XX /XX /XXXX.

WHEREAS, THE Trustees of the Township of Ellsworth, County of Mahoning, and State of Ohio, deem it necessary for the promotion of public health, safety, comfort, morals and general welfare to regulate in said township, the use, size and location of yards and other open spaces in relation to buildings, the use of land and to establish districts to accomplish these purposes;

NOW THEREFORE, under the authority provided by Sections 519.01 to 519.25 and Section 519.99 of the Ohio Revised Code, the following zoning regulations are adopted.

PLEASE NOTE: Specific regulations always trump general regulations. The more specific standard always applies.

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**CHAPTER 1
GENERAL PROVISIONS**

Section 101	TITLE	Section 107	INTERPRETATION
Section 102	AUTHORIZATION	Section 108	APPLICATION OF REGULATIONS
Section 103	PURPOSE	Section 109	ESTABLISHMENT OF DISTRICTS
Section 104	VALIDITY AND SEPARABILITY	Section 110	OFFICIAL ZONING MAP
Section 105	REPEALER	Section 111	INTERPRETATIONS OF DISTRICT BOUNDARIES
Section 106	EFFECTIVE DATE		

SECTION 101 TITLE

This Zoning Resolution shall be known as the Ellsworth Township Zoning Resolution.

SECTION 102 AUTHORIZATION

The authority for establishing “The Ellsworth Township Zoning Resolution” is derived from Chapter 519.00 inclusive of the Ohio Revised Code.

SECTION 103 PURPOSE

In order to promote and protect the health, safety, and general welfare of the residents of the unincorporated area of Ellsworth Township, Mahoning County, Ohio, and to insure orderly growth and development in said township in conformance with the adopted Ellsworth Township Land Use and Policy Plan, the Board of Township Trustees found it necessary and advisable to adopt a comprehensive plan of zoning which will regulate the location, height, bulk, number of stories, and size of buildings and other structures; percentages of lot areas which may be occupied; building setback lines; size of yards and other open spaces; use of buildings and other structures; uses of the land for trade, industry, residence, recreation, or other purposes, and for such purposes to divide the unincorporated area of Ellsworth Township into districts and to provide for the administration and enforcement of such regulations.

SECTION 104 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision(s) of the Zoning Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effectiveness of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Zoning Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

SECTION 105 REPEALER

All existing Zoning Resolutions of Ellsworth Township, Mahoning County, Ohio, inconsistent herewith, are hereby repealed.

SECTION 106 EFFECTIVE DATE

This Zoning Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

SECTION 107 INTERPRETATION

In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Whenever the requirements of this Zoning Resolution are at variance with the requirements of any lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that which imposing the higher standards shall govern.

SECTION 108 APPLICATION OF REGULATIONS

- A. Buildings or land shall hereafter be used or occupied only in conformance with the provision of this Zoning Resolution. Any building or structure or part thereof erected, moved, altered, restored or reconstructed shall hereafter be established and used only in conformance with the regulations herein specified for the district in which it is located.
- B. Any building hereafter erected, used, occupied, altered, restored or reconstructed shall comply with this Zoning Resolution in regard to the number of families accommodated, area of lot occupied, size of front, rear and side yards.
- C. Every new lot shall comply with the minimum required dimensions for lot area, frontage, and lot width for the district in which it is located. No yard or lot existing at time of passage of this Zoning Resolution shall be reduced in dimension or area below the minimum requirements set forth herein.
- D. Any part of a yard or other open space required around any building for the purpose of complying with the provision of this Resolution shall not be included as a part of a yard or other open space similarly required for another building.
- E. Whenever a boundary line of a district is changed by Amendment of this Zoning Resolution so as to transfer an area from one district to another district of a different classification, the regulations for the district to which said area is transferred shall apply to all buildings, structures, and uses in the area so transferred except for prior legal nonconforming uses, structures, and lots as provided in Chapter 12 of this Zoning Resolution.
- F. A review and recommendation by the Ellsworth Township Zoning Commission shall be required for any building, structure or use other than Agricultural and Residential R-1 permitted buildings, structures or uses prior to a permit being issued by the Zoning Inspector.
- G. Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Zoning Resolution.

SECTION 109 ESTABLISHMENT OF DISTRICTS

For the purposes set forth in this Zoning Resolution, the land area within the unincorporated area of Ellsworth Township is hereby divided into the following districts:

- A Agricultural District
- R-1 Residential District
- R-2 Two-Family Residential District
- R-3 Multi-Family Residential District
- B General Business District
- I General Industrial District
- PUD Planned Unit Development District
- WR Water Reservoir District

SECTION 110 OFFICIAL ZONING MAP

The zoning districts and their boundary lines are indicated upon the map entitled, "Official Zoning Map - Ellsworth Township, Mahoning County, Ohio." Said map is made part of this Zoning Resolution. The said Official Zoning Map, once signed by two or more trustees and dated, together with all notations and references thereon are hereby declared a part of this Zoning Resolution. The original map shall be maintained in the administrative offices of Ellsworth Township, and shall show thereon all amendments or changes made hereafter. The Zoning Inspector shall be responsible for adding amendments and changes adopted by the Township Trustees to the Official Zoning Map.

SECTION 111 INTERPRETATIONS OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

- A. Where district boundary line is shown to approximately follow a lot line; such lot line shall be construed to be the boundary line.
- B. Where a district boundary line is shown as approximately parallel to the right-of-way line of a street or highway, the district boundary line shall be construed as being parallel thereto and at a distance therefrom as indicated on the Official Zoning map.
- C. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the high water line.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of the railroad line.
- E. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended district.
- F. If no measurement is given, dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- G. Except when otherwise indicated on the Official Zoning Map, the depth of residential districts fronting on a street or highway shall be 300 feet from the right-of-way line of said street or highway and the depth of business and industrial districts fronting on a street or highway shall be 500 feet from the right-of-way of said street or highway.

CHAPTER 2

ADMINISTRATIVE POWERS AND DUTIES

Section 201	OFFICE OF ZONING INSPECTOR	Section 204	POWERS AND DUTIES OF THE ZONING COMMISSION
Section 202	POWERS AND DUTIES OF THE ZONING INSPECTOR	Section 205	ESTABLISHMENT AND PROCEEDINGS OF THE BOARD OF ZONING APPEALS
Section 203	ESTABLISHMENT AND PROCEEDINGS OF THE ZONING COMMISSION	Section 206	POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

SECTION 201 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 202 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 applications for all required permits as set forth in this Zoning Resolution.
- B. Issue zoning permits and certificates of zoning compliance as provided by this Zoning Resolution where all applicable provisions of this Resolution are complied within 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 within the application thereto.
- D. Maintain in current status the Zoning Resolution and Official Zoning Map, which shall be filed with the Mahoning County Recorder and kept on permanent display in the Township.
- E. Maintain permanent and current records required by this Resolution including but not limited to zoning permits, certificates of zoning compliance, 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 Official Zoning 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 citations 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 203 ESTABLISHMENT AND PROCEEDINGS OF THE ZONING COMMISSION

In accordance with Section 519.04 of the Ohio Revised Code, the Zoning Commission of Ellsworth 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) regular members and one (1) alternate member who shall reside in the unincorporated area of the township and who shall be appointed by the Board of Township Trustees. The alternate shall serve in the absence of a regular member or if a regular member recuses them self due to a conflict of interest.

2. Terms of regular 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. The term of the alternate member shall be as established by the Board of Township Trustees.
 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. The Board of Township Trustees shall fill vacancies, and such appointments shall serve for the unexpired term of the member affected.
- B. **Quorum.**
Three (3) members of the Commission shall constitute a quorum at all meetings. A positive vote of three members shall be necessary to affect an order, take action, make decisions, or act on any authorization.
- C. **Meetings.**
1. The Zoning Commission shall elect a chair, vice chair, and secretary 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 chair 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 204 POWERS AND DUTIES OF THE ZONING COMMISSION

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

- A. To review all proposed amendments to this Zoning Resolution and the Official Zoning Map and to submit a recommendation to the Board of Township Trustees.
- B. To review all development plans / site 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 Official Zoning 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.
- E. To review and make recommendations to the Township Trustees regarding applications for Planned Unit Developments (PUDs).
- F. To prepare a land use plan for the Township for submission to and approval by the Township Trustees and to make recommendations to the Township Trustees regarding amendments to the land use plan.

SECTION 205 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 Ellsworth 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) regular members and one (1) alternate member who shall reside in the unincorporated area of the township and who shall

- be appointed by the Board of Township Trustees. The alternate shall serve in the absence of a regular member or if a regular member recuses them self due to a conflict of interest.
2. Terms of regular members shall be for five (5) years and shall be so arranged that the term of one member shall expire each year. Each member shall serve until his/her successor is appointed and qualified. The term of the alternate member shall be as established by the Board of Township Trustees.
 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. The Board of Township Trustees shall fill vacancies, and such appointments shall serve for the unexpired term of the member affected.
- B. **Quorum.**
Three (3) members of the Board shall constitute a quorum at all meetings. A positive vote of three members shall be necessary to affect an order, take action, make decisions, or act on any authorization.
- C. **Meetings.**
1. The Board of Zoning Appeals shall elect a chair, vice chair, and secretary 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 chair 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 chair, or in his/her absence, the acting chair, may administer oaths and compel the attendance of witnesses.
 5. All meetings of the Board of Zoning Appeals shall be open to the public. The Board may deliberate a pending matter in private, but all actions shall be taken in open session.

SECTION 206 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 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.
- G. To resolve any disputes with respect to the precise meaning of any words, terms, or provisions of the Zoning Resolution.
- H. Such other powers as may be established by this Zoning Resolution and the Ohio Revised Code.

CHAPTER 3

GENERAL ADMINISTRATIVE PROCEDURES

Section 301	ZONING PERMIT REQUIRED	Section 308	SUBMISSION TO DIRECTOR OF TRANSPORTATION
Section 302	AGRICULTURAL USES EXEMPT	Section 309	EXPIRATION OF ZONING PERMIT
Section 303	ZONING PERMIT APPLICATION REQUIREMENTS	Section 310	TEMPORARY USE PERMITS
Section 304	REVIEW FOR COMPLETENESS	Section 311	CERTIFICATE OF ZONING COMPLIANCE
Section 305	ACTION ON APPLICATION FOR ZONING PERMIT	Section 312	SCHEDULE OF FEES
Section 306	APPROVAL OF ZONING PERMIT	Section 313	ENFORCEMENT
Section 307	DENIAL OF ZONING PERMIT	Section 314	VIOLATIONS
		Section 315	PENALTIES

SECTION 301 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 Ellsworth 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 302 AGRICULTURAL USES EXEMPT

Any use determined by the Zoning Inspector to be an agricultural use that is located on a lot larger than 5 acre 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 303 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 Detached and Single-Family Attached Dwellings and Uses Accessory Thereto.

An application for construction or alteration of a single-family detached dwelling, single-family attached dwelling or use accessory thereto shall include the following:

1. Application forms for principal buildings shall be completed and submitted 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 development/ site 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 4.
- 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 11.

SECTION 304 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 305 ACTION ON APPLICATION FOR ZONING PERMIT

The Zoning Inspector shall act on a zoning permit application:

- A. For all single-family detached dwellings, single family attached 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.
- B. Applications for zoning permits for permitted uses requiring review of development / site plans shall be reviewed by the Zoning Inspector in accordance with the provisions of Chapter 4.
- C. Applications for zoning permits for conditional uses shall be transmitted to the Board of Zoning Appeals according to Chapter 11.
- D. Applications for zoning permits for which a variance is requested shall be transmitted to the Board of Zoning Appeals according to Chapter 12.
- E. In conducting his/her review of an 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 any consultant's review shall be borne by the applicant, as stated in the schedule of fees.

SECTION 306 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. The Zoning Inspector for all permitted uses;
- B. The 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 307 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 / site plan, signed, dated and noted as disapproved.

SECTION 308 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Pursuant to ORC 5511.01, before issuing any zoning permit affecting land within 300 feet of the right-of-way 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 right-of-way 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 309 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 310 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 311 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 Ellsworth Township Zoning Resolution have been satisfied. If a Township zoning consultant is hired, 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 to require the zoning permit recipient to comply with the paving requirement set forth in Chapter 6 (Section 609), 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 Health Department indicating compliance with all the requirements of said Department.

SECTION 312 SCHEDULE OF FEES

The Township Board of Trustees shall by resolution establish a schedule of fees for zoning permits, certificates of zoning compliance, development plan reviews, conditional use permits, similar use determinations, appeals, variances, amendments, and other procedures and services pertaining to the administration and enforcement of the Ellsworth 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.

SECTION 313 ENFORCEMENT

When the Zoning Inspector becomes aware of any violation of this Zoning Resolution or any provision, regulation, requirement, condition, or stipulation adopted or applied pursuant to the provisions of this Zoning Resolution, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

SECTION 314 VIOLATIONS

- A. No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution or any amendment to this Zoning Resolution.
- B. No person shall commence work or establish a use requiring a zoning permit or approval without first obtaining such permit or approval, nor shall any person vary from the terms or conditions of a zoning permit issued or of other authorized approval, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.
- C. All violations shall be corrected within a reasonable time limit set by the Zoning Inspector.

SECTION 315 PENALTIES

- A. Violations of this Zoning Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in various sections of this Zoning Resolution, shall constitute a misdemeanor. Any person who violates this Zoning Resolution or fails to comply with any of its requirements shall upon conviction therefore be fined for such misdemeanor of the third degree as provided by law 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. 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, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.
- B. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used without a permit in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance, or use.

CHAPTER 4

DEVELOPMENT / SITE PLANS

<p>Section 401 PURPOSE</p> <p>Section 402 DEVELOPMENT / SITE PLAN REVIEW REQUIRED</p> <p>Section 403 PRE-APPLICATION MEETING ENCOURAGED</p> <p>Section 404 GENERAL DEVELOPMENT / SITE PLAN SUBMISSION REQUIREMENTS</p> <p>Section 405 FINAL DEVELOPMENT / SITE PLAN SUBMISSION REQUIREMENTS</p>	<p>Section 406 DEVELOPMENT / SITE PLAN REVIEW PROCEDURES</p> <p>Section 407 EXPIRATION OF DEVELOPMENT / SITE PLAN APPROVAL</p> <p>Section 408 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT / SITE PLAN; PLAN REVISIONS</p>
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SECTION 401 Purpose

The purpose of the 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 402 DEVELOPMENT / SITE PLAN REVIEW REQUIRED

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

- A. **General Development / Site Plan.**
A general development / site 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 / Site Plan.**
A final development / site 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 and industrial districts
 2. New construction of all conditional uses under the requirements set forth in Chapter 11 Conditional Use Permits.
 3. Any existing or previously approved development meeting the criteria of Business or Industrial District 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 403 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 / site plan review or final development / site 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, opinions, suggestions, or recommendations discussed at the pre-application 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 404 GENERAL DEVELOPMENT / SITE PLAN SUBMISSION REQUIREMENTS

An application for general development / site 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 / site 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, concrete pads, 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 and buildings by type;
- G. Proposed phases;
- H. Such other documentation as may be needed to evaluate the general concept of the proposed development.

SECTION 405 FINAL DEVELOPMENT / SITE PLAN SUBMISSION REQUIREMENTS

An application for final development / site 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 / site 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 406 DEVELOPMENT / SITE PLAN REVIEW PROCEDURES

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

A. Review by the Zoning Commission, Others.

The Zoning Inspector shall review the submitted application for completeness in accordance with Section 404, and when determined complete shall distribute the application according to the following:

1. Review by Zoning Commission.

- a) The Zoning Commission may make recommendations to the Zoning Inspector 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 / site plan at one or more of its public meetings.

2. Review by Ellsworth 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 consultant reviews shall be paid by the applicant.

B. Review Criteria.

In reviewing development / site plans, the Zoning Inspector shall determine:

1. For a general development / site 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 / site 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 / site plan by:
 - a) Approving the development / site plan submitted; or
 - b) Approving the development / site 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 / site 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 / site plan that if made would bring the development plan in compliance.

SECTION 407 EXPIRATION OF DEVELOPMENT / SITE PLAN APPROVAL

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

A. General Development / Site Plan.

If, at the end of that time, a final development / site plan has not been submitted to the Zoning Inspector, then approval of the general development / site plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.

B. Final Development / Site Plan.

If, at the end of that time, construction of the development has not begun, then approval of such final development / site 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 408 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENTAL SITE PLAN;
PLAN REVISIONS**

An approved final development / site plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final developmental 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 / site 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 5

WATER RESERVOIR DISTRICT

Section 501	PURPOSE	Section 504	MINIMUM SETBACK
Section 502	PERMITTED USES		REQUIREMENTS
Section 503	MINIMUM LOT AREA	Section 505	MAXIMUM HEIGHT

SECTION 501 PURPOSE

The purpose of this Chapter is to provide for the protection and preservation of land associated with water supply resources.

SECTION 502 PERMITTED USES

Land within a Water Reservoir District shall only be used for the following uses:

- A. Water Reservoir;
- B. Game Preserve;
- C. Similar Uses subject to Section 1110(A);
- D. Accessory Uses and Structures, which are ordinarily considered to be accessory, incidental, and supportive to the principal permitted uses.

SECTION 503 MINIMUM LOT AREA

The minimum lot area in the Water Reservoir District shall be ten (10) acres.

SECTION 504 MINIMUM SETBACK REQUIREMENTS

Uses, buildings and structures within Water Reservoir Districts shall be setback from property boundary lines, other uses, other buildings, and other structures such distances as are established by the Zoning Commission as part of the plan review process.

SECTION 505 MAXIMUM HEIGHT

Buildings and structures shall not exceed fifty (50) feet in height without the approval of the Board of Zoning Appeals.

CHAPTER 6
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Section 601	PURPOSES OF DISTRICTS.	Section 608	HEIGHT EXCEPTIONS
Section 602	PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES.	Section 609	PARKING AND DRIVEWAYS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.
Section 603	MINIMUM AREA, SETBACK AND HEIGHT REQUIREMENTS FOR AGRICULTURAL, R-1, R-2 AND R- 3 DISTRICTS.	Section 610	SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.
Section 604	MINIMUM REQUIREMENTS FOR ACCESSORY BUILDINGS, STRUCTURES, AND USES IN AGRICULTURAL, R-1, R-2 AND R- 3 DISTRICTS.	Section 611	FENCES IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.
Section 605	SPECIAL REQUIREMENTS FOR R- 3 MULTI-FAMILY RESIDENTIAL DISTRICTS.	Section 612	BUFFERS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.
Section 606	LOTS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.	Section 613	HOME OCCUPATIONS.
Section 607	AGRICULTURAL USES IN SUBDIVISIONS.	Section 614	PRIVATE SWIMMING POOLS.
		Section 615	SATELLITE DISHES.
		Section 616	ROADSIDE STAND / FARM MARKET.
		Section 617	TEMPORARY USES AND STRUCTURES.
		Section 618	JUNK.
		Section 619	IN-LAW SUITES.

SECTION 601 PURPOSES OF DISTRICTS

- A. Agricultural District: The purpose of the Agricultural District is to accommodate agricultural use of land and single-family dwellings on large lots with very low densities.
- B. R-1 Residential District: The purpose of the R-1 Residential District is to provide for detached single-family dwellings at low densities intended to preserve the semi-rural character of Ellsworth Township.
- C. R-2 Residential District: The purpose of the R-2 Residential District is to provide for single-family attached residential uses with a maximum of two dwelling units per building.
- D. R-3 Multi-Family Residential District: The purpose of the R-3 Multi-Family Residential District is to provide for a variety of housing opportunities at moderate to higher densities in strategic locations within the Township.

SECTION 602 PERMITTED USES. CONDITIONALLY PERMITTED USES AND ACCESSORY USES

Only those uses specifically identified herein as being a principal use, conditional use, or an accessory use in a particular district may be permitted in the district. Any use not specifically listed as a permitted, conditional, or accessory use shall be considered a prohibited use in these zoning districts.

RESIDENTIAL	AG Agricultural District	R-1 Single Family District	R-2 Two Family District	R-3 Multi-Family District
Single Family Dwelling	P	P	P	P
Single Family Attached Dwelling	NP	NP	P	P
Modular Home	P	P	P	P
Multi Family Dwelling	NP	NP	NP	C
Home Occupations per Section 613	AU	AU	AU	AU
Home Based Businesses per Section 613	AU	AU	AU	AU
RETAIL / SERVICES	AG Agricultural District	R-1 Single Family District	R-2 Two Family District	R-3 Multi-Family District
Bed & Breakfast	C	C	C	NP
Farmer's Market / Roadside Stand	P	P	NP	NP
Kennel / Animal Shelter	C	NP	NP	NP
Pet Spa	C	NP	NP	NP
Plant Nursery	P	NP	NP	NP
Winery	P	C	C	C
Storage Facility / Pod / Dumpsters	C	NP	NP	NP
COMMUNITY FACILITIES	AG Agricultural District	R-1 Single Family District	R-2 Two Family District	R-3 Multi-Family District
Family Child Day Care Home, Type "A"	C	C	C	C
Family Child Day Care Home, Type "B"	P	P	P	P
Foster Home	C	C	C	C
Group Home	C	C	C	C
Place of Worship	C	C	C	C
School, Public or Private	C	C	C	C
ENTERTAINMENT / RECREATION	AG Agricultural District	R-1 Single Family District	R-2 Two Family District	R-3 Multi-Family District
Fitness Center	NP	NP	NP	C
Indoor Recreational Center	C	NP	NP	C
Private Non-Commercial Recreational Center	C	NP	NP	C
Public Parks / Playground	C	C	C	C
Rifle / Target Range	C	NP	NP	NP
Sportsman Club	C	NP	NP	NP

P = Permitted Use NP = Not Permitted C = Conditional Use AU = Accessory Use

OTHER	AG Agricultural District	R-1 Single Family District	R-2 Two Family District	R-3 Multi-Family District
Airport / Landing Pad	C	NP	NP	NP
Brewery / Distillery	C	NP	NP	NP
Cemeteries / Mortuary	C	C	C	C
Public Safety Facility	C	C	C	C
Public Utility Works	C	C	C	C
Wind Turbines subject to Section 1110(B)	C	C	C	C
Wireless Telecommunications Facilities subject to Section 1110(C)	C	C	C	C
Outdoor Storage of Recreational Vehicle per Section 609	AU	AU	AU	AU
Private Garage or Carport	AU	AU	AU	AU
Fences, Walls per Section 611	AU	AU	AU	AU
Signs pursuant to Section 610 and Chapter 9	AU	AU	AU	AU
Satellite Antennas per Section 616	AU	AU	AU	AU
Swimming Pool and Pool House per Section 615	AU	AU	AU	AU
Patios, Decks and Open Porches and Gazebos	AU	AU	AU	AU
Parking pursuant to Section 609	AU	AU	AU	AU

P = Permitted Use NP = Not Permitted C = Conditional Use AU = Accessory Use

SECTION 603 MINIMUM AREA, SETBACK AND HEIGHT REQUIREMENTS FOR AGRICULTURAL, R-1, R-2 AND R-3 DISTRICTS

MINIMUM LOT AREA	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
Lots Services By Centralized Sewer	5 acres	0.5 acres	0.75 acres	5 acres
Flag Lots (See Definition Section)	5 acres	4 acres	4 acres	5 acres
All Other Lots	5 acres	2 acres	2 acres	5 acres
MINIMUM LOT FRONTAGE	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
CONTIGUOUS FRONTAGE ON A PUBLIC STREET (Except For Cul-De-Sacs)				
Lots Services By Centralized Sewer	200 feet	75 feet	150 feet	200 feet
Flag Lots (See Definition Section)	60 feet	60 feet	60 feet	60 feet
All Other Lots	200 feet	100 feet	150 feet	200 feet

CONTIGUOUS FRONTAGE ON CUL-DE-SACS				
Lots services by centralized sewer	75 feet	75 feet	75 feet	75 feet
Flag Lots (See Definition Section)	60 feet	60 feet	60 feet	60 feet
All Other Lots	75 feet	75 feet	75 feet	75 feet
MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
FRONT YARD (Measured From The Right-Of-Way Line)	50 feet	50 feet	50 feet	50 feet
SIDE YARD				
Minimum For Any One Side Yard	15 feet	10 feet	10 feet	15 feet
Minimum For Both Sides	40 feet	24 feet	24 feet	40 feet
REAR YARD	40 feet	40 feet	40 feet	40 feet
MAXIMUM BUILDING HEIGHT	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
Principal and Accessory Buildings	38	38	38	38
MINIMUM LIVABLE FLOOR AREA (SQUARE FEET)	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
One Story Plan	1200	1200	800 per unit	800 per unit
Two Story Plan per Floor	600	600	600 per unit	600 per unit
Story and 1/2 Plan	1200	1200	1200 per unit	1200 per unit
Split Level Total Living Area on Upper Level	1200	1200	1200 per unit	1200 per unit
MINIMUM RIPARIAN SETBACK	AG Agriculture	R-1 Single Family	R-2 Two Family	R-3 Multi Family
Measured At Stream Center Or 100 Year Flood Plain, Whichever Is Greater	100 feet	100 feet	100 feet	100 feet

SECTION 604 MINIMUM REQUIREMENTS FOR ACCESSORY BUILDINGS, STRUCTURES, AND USES IN AGRICULTURAL, R-1, R-2 AND R-3 DISTRICTS

Accessory uses and structures shall be permitted in Agricultural and Residential Districts subject to the provisions herein and as otherwise provided in this Zoning Resolution.

- A. An accessory use or structure shall only be established on a lot having a principal use or structure and shall not be constructed or established prior to the principal use or structure.
- B. Accessory uses and structures shall:
 - 1. Be clearly subordinate to the principal use and structure.
 - 2. Directly serve the principal use and structure.
 - 3. Be subordinate in area, extent and purpose to the principal use and structure.
 - 4. Be located on the same lot as the principal use and structure.
 - 5. Be reasonably and customarily accessory to the principal use and structure.

- C. A Zoning Permit is required for all accessory uses and structures, provided however, that one (1) accessory storage building of less than 144 square feet in area may be erected or placed on a lot without a Zoning Permit.
- D. An accessory building or structure shall comply with the setbacks required for principal structures for the district in which it is located, except as otherwise provided in this Section. All accessory buildings with the exception of roadside stands shall be located as follows:
 - 1. Only in a rear or side yard and not closer to the street than the principal building.
 - 2. No nearer to a side street line than a distance equal to half the width of the lot or fifty (50) feet, whichever is lesser.
 - 3. At least fifteen (15) feet from the principal building.
 - 4. At least ten (10) feet from the rear lot line and side lot line.
- E. Roadside stands shall be setback a minimum of 25 feet from the front lot line and a minimum of 20 feet from any side or rear lot line.

SECTION 605 SPECIAL REQUIREMENTS FOR R-3 MULTI-FAMILY RESIDENTIAL DISTRICTS

R-3 Multi-Family Residential Districts shall comply with the following standards and as otherwise provided in this Zoning Resolution.

A. Location Requirements.

R-3 Multi-Family Residential Districts shall only be permitted in locations which:

- 1. Have immediate or otherwise acceptable access to a major thoroughfare as determined by the Zoning Commission and Township Trustees;
- 2. Are served by an approved central or public water supply system;
- 3. Are served by an approved central or public sanitary sewer system; and
- 4. Are consistent with the Ellsworth Township Land Use and Policy Plan.

B. Density.

The maximum density in any R-3 Multi-Family Residential District shall not exceed four (4) dwelling units per gross acre.

C. Lot Coverage and Open Space.

- 1. The maximum lot coverage by all structures shall not exceed twenty-five percent (25%) of the total area of the parcel.
- 2. A minimum of fifteen percent (15%) of the site shall be reserved as open space for use as active or passive recreation areas for residents. Calculation of open space area for purposes of meeting this requirement shall not include areas required for minimum front, side, or rear yard setbacks nor parking areas except those designed and intended to serve recreation facilities.

D. Parking Requirements

- 1. Multi-Family Residential Districts shall have a minimum of two and one-half (2.5) off-street parking spaces for each dwelling unit. One (1) parking space for each dwelling unit shall be within an enclosed garage.
- 2. Parking for recreation facilities and conditionally permitted uses shall be as determined by the Township as part of the final site plan approval.
- 3. Parking shall be setback a minimum of fifty (50) feet from the right-of-way line of existing public streets and a minimum of twenty-five (25) feet from side and rear lot lines.
- 4. Each parking space shall be a minimum of ten (10) feet in width and shall be a minimum of two hundred (200) square feet in area. Drive aisles intended to provide access to parking spaces shall be a minimum of twenty-two (22) feet in width.
- 5. Driveways, parking lots, and drive aisles shall be hard surfaced with either asphalt or concrete in such manner as is approved by the Township as part of the final site plan approval.

E. Utilities.

All utilities may be located underground, or above ground provided however that utilities and appurtenances constructed above ground are appropriately screened and approved as part of the site plan.

F. Buffers.

Screening and buffering shall be provided within required setbacks where Multi-Family Residential Developments abut Agricultural and Residential Districts. Screening and buffering shall be shown on the site plan and shall be installed in accordance with the approved site plan.

SECTION 606 LOTS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

- A. No more than one (1) principal building shall be permitted on any lot in Agricultural and Residential districts unless otherwise specifically stated in this Zoning Resolution.
- B. Corner lots shall have sufficient depth and width to provide yards abutting both streets that are in compliance with the minimum front yard setback requirements.
- C. On a corner lot at the intersection of two streets, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection.

Illustration of Corner Lots

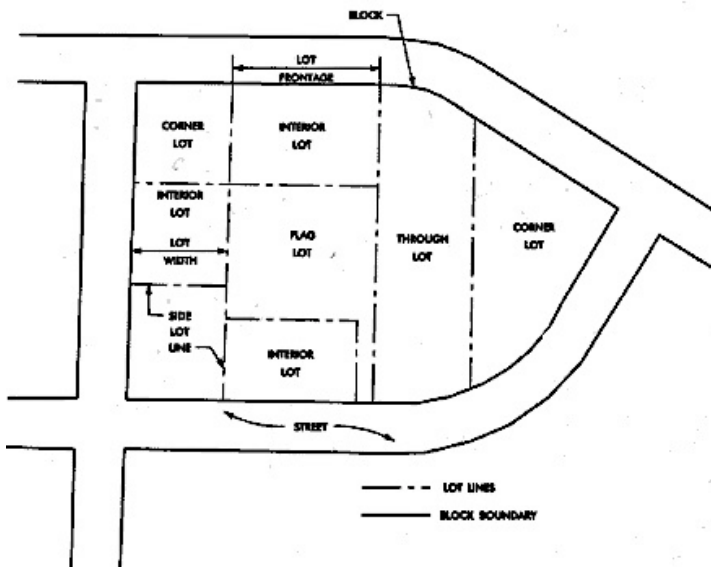


Illustration of Flag Lot

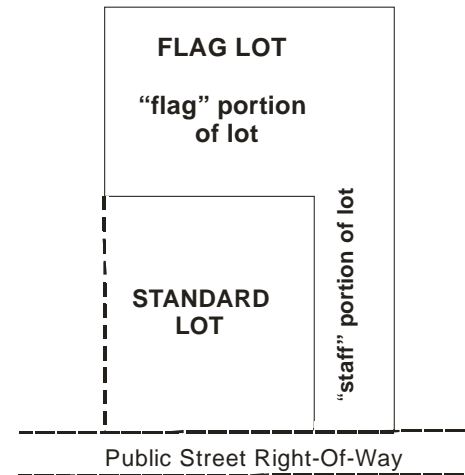
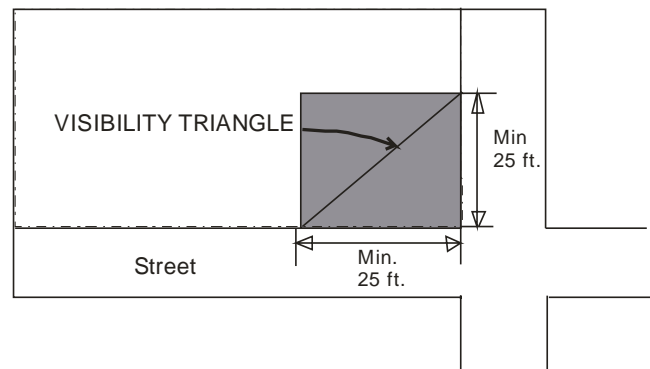


Illustration of Visibility Triangle



SECTION 607 AGRICULTURAL USES IN SUBDIVISIONS

In any platted subdivision consisting of fifteen (15) or more lots agriculture uses shall comply with the following standards:

- A. The raising for private use, consumption or incidental sale of fruits, vegetables or nursery stock shall be permitted on lots of one (1) acre or less provided no products shall be sold except those which are produced on the premises.
- B. 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:
 1. 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.
 2. Each farm shall be permitted only one roadside stand or market located on the farm property, unless otherwise permitted by the district regulations.
- C. The keeping of horses, dairying, and animal and poultry husbandry are prohibited on lots of less than one (1) acre. This prohibition does not apply to the keeping and harboring of domestic household pets of the property resident, boarded at the residence and not raised or bred as an ongoing commercial business for profit. Dairying and animal and poultry husbandry shall be permitted on lots with a minimum area of one (1) acre in compliance with the following:
 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, and
 - c. 100 feet from any water well.
 4. A fenced area shall be required for large animals such as, but not limited to, horses, mules, donkeys, swine, cattle, buffalo, alpacas, and llamas. 1) The fenced area shall be located a minimum of 25 feet from any front, side or rear lot line. 2) The fenced area 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.
 5. 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. The keeping of wild or dangerous animals is permitted on lots in excess of one acre 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. The keeping of wild or dangerous animals is strictly prohibited on lots of one (1) acre or less.
- E. All bee-keeping activities shall be a minimum of 250 feet from any residence on adjacent parcels.
- F. All areas adjacent to any 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. All such premises shall be kept and maintained in a clean and sanitary condition. 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.

- G. 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.
- H. On lots one acre or less prohibited uses shall not apply to a resident, family or child keeping an animal where the keeping is intended for educational purposes, including, but not limited to, animals kept for 4-H, F.F.A. and Ag-coop projects. In these residential areas, lot size, home density and a common sense approach needs to be taken into consideration. Also, the terms and conditions of this Section shall apply. In all cases, the Zoning Inspector and the requestor shall review the intent of the application, and if approved a permit shall be issued at no charge and be kept on file.

SECTION 608 HEIGHT EXCEPTIONS

- A. The maximum height requirements as stated in Section 603 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- B. Places of worship, public service facilities and wind turbines located in Agricultural and Residential Districts may exceed the maximum building height set forth in Section 603 for the zoning district where such increased height is specifically authorized by the Board of Zoning Appeals as part of the Conditional Use Permit approval for said facility.

SECTION 609 PARKING AND DRIVEWAYS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

- A. In Agricultural and Residential Districts parking spaces for Single Family Dwellings and Single Family Attached Dwellings shall be provided at the rate of two (2) parking spaces per dwelling unit. One (1) parking space for each dwelling unit shall be within an enclosed garage.
- B. In Residential and Agricultural Districts, one (1) driveway shall be permitted for each lot or parcel, provided however, that lots or parcels exceeding 150 feet in width may be permitted a second driveway.
- C. In Residential and Agricultural Districts, driveways shall not exceed a maximum width of twenty (20) feet at the street right-of-way line, and driveways shall be located a minimum of ten (10) feet from any property line.
- D. Driveways shall be constructed as a hard surface driveway consisting either of gravel, slag, concrete, asphalt, or paving brick. Driveways in the Agricultural District are exempt from this requirement and may be constructed of gravel or similar material, which prevents mud, soil, clay and other materials from being tracked onto roads, streets, or highways.
- E. Hard surface driveway shall be required on lots that front on streets improved with curbs, gutters and/or sidewalks.
- F. The driveway apron shall be flared from the right-of-way line to the curb cut in accordance with the standards set by the Mahoning County Engineer.
- G. Off-street parking, exclusive of driveways, shall occupy not more than one-third of any front, side, or rear yard in any agricultural and residential district.
- H. 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 Ellsworth Zoning requirements.
 - 3. A recreational vehicle, camper or boat shall be parked in a driveway only for a seasonal period from April 1 to November 1.

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, boat, or camper parked or stored outdoors shall be maintained in an operating condition and shall bear a valid license.
 6. Recreational vehicles shall be parked a minimum of 10 feet from any side lot line and 20 feet from any rear lot line.
- I. 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. No commercial vehicle shall be used for residential purposes.
 4. The outdoor parking of one commercial vehicle shall be permitted on a residential lot in any R-1 or R-2 Residential District provided that said vehicle complies with the maximum vehicle weight rating (MVWR) permitted by either Ellsworth Township or Mahoning County on the road where the residence is located.
- J. Non-residential uses located in agricultural and residential districts shall comply with the parking requirements as set forth in Section 706.
- K. Parking or storage of any motor vehicle, including, but not limited to, camper, trailer, recreational vehicle, boat, or boat trailer, motorcycle or similar vehicle or trailer in a wrecked, inoperable, dismantled or abandoned condition or without current, legally displayed license plates is prohibited in any Agricultural and Residential District unless it is parked or stored completely within an enclosed building.

SECTION 610 SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

- A. Signs in Agricultural and Residential Districts may be illuminated in conformance with Section 906.
- B. Signs that are accessory to the principal use of the lot shall be permitted by right, provided that such signs comply with the regulations set forth in this Section and in Chapter 9.
- C. Each property with a home occupation shall be permitted one (1) illuminated free-standing sign that shall not exceed twelve (12) square feet in area or six (6) feet in height regardless of the number of home occupations authorized on the premises.
- D. Roadside stands shall be permitted one (1) non-illuminated sign, which may be either free-standing or mounted on the roadside stand. Such signs shall not exceed twenty (20) square feet in area or six (6) feet in height.
- E. Plant nurseries, wineries, and family day care homes shall be permitted:
1. One (1) illuminated sign free-standing sign that shall not exceed thirty-two (32) square feet in area or eight (8) feet in height, and
 2. One (1) illuminated wall sign that shall not exceed thirty-two (32) square feet in area.
- F. Unless the Board of Zoning Appeals specifically authorizes additional signage as part of the approval of a conditional use permit, each conditional use located in an Agricultural and/or Residential District shall be permitted:
1. One (1) illuminated sign free-standing sign that shall not exceed thirty-two (32) square feet in area or eight (8) feet in height. Such sign may be a changeable copy sign in conformance with Section 909.
 2. One (1) illuminated wall sign that shall not exceed thirty-two (32) square feet in area.

- G. Residential subdivisions and multi-family developments shall be permitted one (1) illuminated free-standing sign not exceeding twenty (20) square feet in area or six (6) feet in height at each entrance to the development from a public right-of-way.
- H. Signs in Agricultural and Residential Districts shall not be illuminated between the hours of 10:00 PM and 6:00 AM.

SECTION 611 FENCES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

- A. Fences may be permitted as accessory uses in Agricultural and Residential Districts subject to the provisions of this Section and subject to the setback requirements.
- B. A zoning permit is required for any fence, excluding agricultural fences.
- C. The finished surface shall be outside with all posts, braces, etc. on the inside. It shall be the responsibility of the property owner erecting the fence to provide maintenance of the outside surface.
- D. Fences shall not exceed six (6) feet in height in side and rear yards.
- E. In front yards, fences shall not exceed three (3) feet in height in residential R-1 Districts except for agricultural purposes, where fences may be four (4) feet in height.
- F. No fence shall interfere with clear sight distance or create a visual obstruction.
- G. No fence shall extend into the road right-of-way.

SECTION 612 BUFFERS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

The following buffering requirements shall be applicable for non-residential uses where sides of a property adjoin a street right-of-way and any side of a property which is adjacent to a residential dwelling unit.

- A. All pavement shall be setback from the above described property lines a distance of twenty (20) feet, except for those reasonable portions required for access to and from the street and to adjoining properties.
- B. The area created between the property lines and the setback line shall be improved with an acceptable landscaping treatment in accordance with an approved site plan.
- C. Where pavement is used for parking, service courts, trash receptacles, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property or from a public street, this pavement shall be screened from view by a wall, fence, evergreen planting and/or landscaped earthen mound in addition to the landscaping requirements above.
- D. All landscaping and screening shall be maintained in good condition. In no case shall such vegetation or screening be placed in a manner which presents a safety hazard to vehicular or pedestrian traffic.

SECTION 613 HOME OCCUPATIONS AND HOME BASED BUSINESSES

- A. The purpose of this section is to set forth regulations that control the establishment and operation of home-occupations and home based businesses. The intent of these regulations is to control the non-residential use of a residential dwelling unit so the non-residential 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 outside the dwelling unit and that home based businesses do not adversely impact adjacent residences.
- B. Home occupations and/or Home Based Businesses shall be permitted as an accessory use in Agricultural and Residential Districts in accordance with the following conditions and requirements:
 - 1. Home Occupations shall include, but shall not be limited to:

- a) Professional offices or studios, such as an accountant, lawyer, architect, doctor, dentist, teacher, real estate agent, insurance agent, hairdresser, seamstress or photographer;
- b) Small cottage industry type operations, such as a bakery, woodworking, or cabinet making;
2. Home Based Businesses shall include, but not be limited to: service businesses, such as landscaping, electrician, plumber, or handyman;
3. Home Occupations and/or Home Based Businesses shall be conducted by a person residing on the premises;
4. There shall be no change in the exterior appearance of the structure and/or property that would alter or detract from the residential atmosphere of the neighborhood;
5. Home Occupations shall be conducted wholly within the dwelling and/or accessory buildings and shall not occupy a floor area greater than one-half of the area of the first floor of the livable area of the dwelling;
6. Home Occupations involving teaching, lessons, or instructions shall be restricted to private instructions;
7. There shall be no commercial display visible from the street except signage in conformance with Section 610;
8. There shall be no outdoor storage of materials of any kind. The storage of all materials related to a Home Occupation or Home Based Business shall be within an enclosed building.
9. Any number of Home Occupations or Home Based Businesses per dwelling unit and its accessory buildings may be permitted, provided that all of the conditions provided herein shall be complied with collectively, as if determined for a single use on the site.
10. Home Occupations and Home Based Business shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, liquids, heat, smoke, electrical interference or other causes as determined by the Zoning Inspector. Disputes regarding the determination of the Zoning Inspector shall be resolved by the Board of Zoning Appeals.
11. Off street parking shall be provided for all vehicles.
12. Trucks and business equipment associated with Home Occupations and Home Based Businesses shall be stored within a garage or outbuilding, provided however, that the parking of not more than four (4) commercial vehicles that comply with Mahoning County and Ellsworth Township Gross Vehicle Weight limits for the road on which the house is located may be permitted in a properly buffered area in the side yard or back yard of the property if approved by the Board of Zoning Appeals.
13. No traffic shall be generated by a Home Occupation or Home Based Business that is of greater volume or intensity than would normally be expected on the street or in the neighborhood.

SECTION 614 PRIVATE SWIMMING POOLS

- A. All in-ground and above-ground pools are permitted in rear and side yards and shall be located a minimum of ten (10) feet from the rear and side property lines. On a corner lot, private swimming pools shall conform to the required setbacks for the principal building on both frontages for the district in which it is located.
- B. All in-ground pools shall be entirely enclosed in a safety fence no less than four (4) feet and no more than six (6) feet in height. The fence shall enclose the pool area or the entire yard, so long as it serves adequately to protect uncontrolled access into the pool. Doors and gates in the fence shall be self-closing and self-locking devices or any other type of latch or devise that a young child cannot open from outside the fence.
- C. Above-ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions including, but not limited to, removing ladders and other forms of access to pools when the pools are not in use. Above-ground pools that are surrounded in whole or part by decks or other above- ground structures shall have access gates that are equipped with

locks or other such devices that a young child cannot open from the outside of the gate and which serve adequately to protect uncontrolled access into the pool.

SECTION 615 SATELLITE DISHES

A. Large Satellite Dishes.

Satellite dish antennas larger than thirty-nine (39) inches in diameter shall be permitted in agricultural and residential districts provided such dish structures comply with the following criteria:

1. A zoning permit is required when installing, moving, or substantially constructing or reconstructing such a dish antenna.
2. Installation shall be in compliance with the manufacturer's specifications at a minimum.
3. Dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.
4. A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building.
5. No dish antenna shall be installed in any public right-of-way or in any drainage utility easement.
6. Dishes may not contain advertising or otherwise be used as signs.
7. A large dish antenna shall be installed in the rear or side yard only.
8. The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line. In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
9. The maximum height of dish antennas shall not exceed fifteen (15) feet, or the height of the principal building, whichever is less.
10. Dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings, so that view of the lower one half (1/2) of the dish area is restricted from all public streets and six (6) feet above ground level of abutting residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation that dies must be replaced.

B. Small Satellite Dishes.

1. Dishes eighteen (18) inches in diameter or less, for residential purposes, with fixed mounting at ground level or directly attached to a dwelling shall be exempt from these regulations.
2. Dishes less than thirty-nine (39) inches in diameter shall be permitted provided such dish structures comply with the following criteria which are hereby established to protect the health and safety of residents and motorists, by providing for safe installations of dish structures which do not constitute hazards to persons or properties, which do not obstruct vehicular sight lines, and which are consistent with and preserve the established aesthetic character of the Township.
3. All free-standing installations shall be located in compliance with the setback regulations for the zoning district in which such installations are located. Each free-standing installation shall have an adequate base as determined by the Zoning Inspector.
4. All wiring from a free-standing dish to the buildings which it serves shall be installed underground to minimize the safety hazards associated with exposed wiring.
5. Any dish mounted on the roof or attached to the wall of any structure shall be designed and constructed so as not to create undue loading or stress on building components and in a manner acceptable to the Zoning Inspector.
6. In order to minimize wind loading, roof installations shall be accomplished so that the top of the satellite dish does not extend above the ridge line of the roof.

7. Each dish shall, to the extent possible, be harmonious in color with the building surface to which it is attached.

SECTION 616 ROADSIDE STANDS / FARM MARKETS

A roadside stand shall be permitted in any Agricultural and Residential District where fifty percent (50%) or more of the gross income received from the market is derived from produce raised in farms owned and operated by the market operator in a normal crop year. The roadside stand shall provide sufficient parking so customers are not required to park on road right-of-way and there shall be provisions for customer turn-around space.

SECTION 617 TEMPORARY USES AND STRUCTURES

Temporary uses and structures for uses incidental to construction work, such as construction office trailers, storage trailers or sheds, and fenced storage areas, shall be permitted subject to a zoning permit. The structures shall be placed in locations approved by the Zoning Inspector, but not closer than twenty (20) feet to a public right-of-way and not closer than ten (10) feet to any lot line. Temporary structures shall be permitted only for the duration of construction activity on the lot and shall be removed upon completion or abandonment of the construction work.

SECTION 618 JUNK

In order to protect the residents of Ellsworth Township from conditions conducive to the infestation and breeding of wild animals, pests, vermin, insects, and rodents, the accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or other discarded objects or debris shall be prohibited in Agricultural and Residential Districts.

SECTION 619 IN-LAW SUITES

In-law suites, used as an adjunct to and physically connected by a permanent, non-locking interior door within a single-family dwelling, are permitted accessory uses subject to the following requirements:

1. The maximum number of individuals residing in the in-law suite shall be two (2).
2. Only individuals related by blood or marriage to one (1) or more of the occupants of the single family dwelling.
3. The in-law suite shall not contain cooking facilities.
4. The in-law suite shall not exceed seven hundred and fifty (750) square feet.
5. The In-law Suite does not constitute a separate dwelling unit;
6. The In-law Suite is connected and has access to the common areas of the dwelling unit such as the living room, dining area, and kitchen. Such connection shall be direct, and shall not be via a breezeway or similar arrangement;
7. There are no separate utility connections or meters for the In-law Suite;
8. The In-law Suite is located in the principal building and not an accessory building; and
9. The principal means of access to outside is via the main exterior doorways of the dwelling.

CHAPTER 7

BUSINESS AND INDUSTRIAL DISTRICTS

<p>Section 701 PURPOSE.</p> <p>Section 702 PERMITTED USES, CONDITIONALLY PERMITTED USES, AND ACCESSORY USES.</p> <p>Section 703 LOT / YARD REQUIREMENTS AND HEIGHT REGULATIONS.</p> <p>Section 704 SUPPLEMENTAL REGULATIONS FOR BUSINESS DISTRICTS.</p> <p>Section 705 HEIGHT EXCEPTIONS.</p>	<p>Section 706 PARKING REQUIREMENTS.</p> <p>Section 707 SIGNS.</p> <p>Section 708 FENCES AND WALLS.</p> <p>Section 709 SCREENING AND BUFFERING.</p> <p>Section 710 SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE FUELING STATIONS.</p> <p>Section 711 PERFORMANCE STANDARDS.</p> <p>Section 712 TEMPORARY BUSINESSES</p>
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SECTION 701 PURPOSE

Business and industrial district regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations, sufficient areas for business and/or industrial activities and the manufacture and exchange of goods and services.
- B. To protect residential neighborhoods adjacent to business and industrial uses by restricting the types of establishments that can locate in the business and industrial districts, in order to minimize impacts from noise and other influences;
- C. To protect and stabilize both residential and non-residential developments from congestion by requiring off-street parking facilities;
- D. To provide Business District (B) 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 Industrial District (I) for purposes of storing, manufacturing, processing and distributing goods in appropriate locations.

SECTION 702 PERMITTED USES, CONDITIONALLY PERMITTED USES AND ACCESSORY USES

Only those uses specifically identified herein as being a principal use, conditional use, or an accessory use in a Business or Industrial district may be permitted in said district. Any use not specifically listed as a permitted, conditional, or accessory use in a Business or Industrial District shall be considered a prohibited use in that district except where a determination is made by the Board of Zoning Appeals that such use is a Similar Use pursuant to Section 1110(A).

OFFICES	Business (B) District	Industrial (I) District
Administrative, Executive, Business, And Professional Offices Including Medical Offices And Allied Services	P	P
Research And Testing Laboratories	C	P
AUTOMOTIVE ORIENTED BUSINESSES	Business (B) District	Industrial (I) District
Automotive Sales and Service (New or Used Car Dealership)	P	P
Automobile Service Station, Repair Garage, or Fueling Station	P	P
Car Wash	P	C
Truck and Heavy Vehicle Repair	C	P
Vehicle Rental	P	P
RETAIL / SERVICES	Business (B) District	Industrial (I) District
Adult Entertainment / Sexual Orientated Businesses	N/P	C
Banks and Financial Institutions	P	P
Personal Services including, but not limited to, Barber Shops, Beauty Shops, Shoe Repair, Tailors, Watch Repair, Nail Salons, and Tanning Facilities	P	N/P
Retail Stores	P	P
Hotels / Motels	P	P
Dry Cleaners and Laundromat	P	P
Veterinary Clinics / Animal Hospitals / Pet Spas	P	P
Kennels / Animal Shelters	C	P
Photography / Art / Music Studios	P	N/P
Farmer's Market	P	P
Plant Nurseries / Greenhouses	P	P
Equipment Rental Facilities	P	P
Restaurants	P	P
Bars / Pubs	C	C
Fireworks Store	C	C
Drive-Thru Facilities	P	P
Massage Therapy / Clinic	P	N/P
Funeral Home / Crematoriums	P	P
Bed & Breakfast	P	N/P
Winery	P	P

P - Permitted Use A/U – Accessory Use C – Conditional Use N/P – Not Permitted

ENTERTAINMENT FACILITY / RECREATION	Business (B) District	Industrial (I) District
Amusement Park	C	C
Movie Theaters	P	N/P
Fitness Centers	P	P
Golf Courses / Driving Ranges / Miniature Golf Facilities	P	C
Indoor Recreational Center	P	P
Shooting Ranges	C	C
Sports & Music Arenas	C	P
Sportsman Clubs	P	P
Arcades	A/U	A/U
Party Centers / Banquet Halls / Meeting Facilities	P	P
USES	Business (B) District	Industrial (I) District
Light Manufacturing, Fabrication and Assembly Operations	C	P
Printing, Publishing And Engraving	P	P
Wholesale Businesses and Showrooms.	P	P
Warehouse and Distribution Facilities	C	P
Excavation / Landscaping Contractors	C	P
Fireworks Manufacturing	N/P	N/P
Building Supply and Lumber Yards	P	P
Stone & Monument Works	P	P
Storage Facilities	P	P
Outdoor Storage Facility	C	C
COMMUNITY FACILITES	Business (B) District	Industrial (I) District
Assisted Living Facilities	P	N/P
Day Care Facilities (Adult or Children)	C	AU
Foster Homes / Group Homes	C	N/P
Nursing Care Facilities	C	N/P
Medical Facilities / Urgent Care Facilities / Hospitals	C	C
Places of Worship	C	N/P
Public Parks / Playground	P	C
Schools (Public or Private)	C	C

P - Permitted Use A/U – Accessory Use C – Conditional Use N/P – Not Permitted

OTHER	Business (B) District	Industrial (I) District
Cemeteries / Mortuary	C	C
Commercial Campground	C	C
Public Safety Facility	P	P
Public Utility Works	P	P
Wireless Telecommunications subject to Section 1110(C)	P	P
Outdoor Display / Outdoor Storage	C	C
Wind Turbines subject to Section 1110(B)	C	C
Fences and Walls subject to Section 708	AU	AU
Signs subject to Section 707 and Chapter 9	AU	AU
Parking subject to Section 706	AU	AU
Similar Uses subject to Section 1110(A)	C	C

P - Permitted Use A/U – Accessory Use C – Conditional Use N/P – Not Permitted

SECTION 703 MINIMUM AREA, SETBACK AND HEIGHT REQUIREMENTS FOR BUSINESS AND INDUSTRIAL DISTRICTS

The minimum lot requirements for uses in a Business and Industrial Districts shall be as specified in the following table. Every lot shall comply with the minimum required dimensions for lot area, frontage, and lot width as provided. Every building shall be located on a lot so as to create and maintain the required setbacks and yards. All accessory buildings and structures shall comply with the setbacks required for principal structures for the district in which it is located, except as otherwise specifically provided in this Zoning Resolution.

MINIMUM LOT REQUIREMENTS	Business (B) District	Industrial (I) District
Minimum Lot Area	0.75 Acres / 32,670 Sq. Ft.	2.0 Acres / 87,120 Sq. Ft.
Minimum Lot Width And Minimum Lot Frontage	125 Feet	200 Feet
Minimum Lot Frontage On A Cul-De-Sac	75 Feet	75 Feet
Staff Portion of Flag Lots	60 Feet	60 Feet

MINIMUM BUILDING SETBACK REQUIREMENTS	Business (B) District	Industrial (I) District
Front Yard (Measured From Street Right-Of-Way)	50 Feet	50 Feet
Side And Rear Yard (Measured From Lot Line)		
Adjacent To Business and Industrial Districts	20 Feet	20 Feet
Adjacent To Residential District	40 Feet	100 Feet
Adjacent to Agricultural and Water Reservoir Districts	40 Feet	50 Feet
MINIMUM PARKING SETBACKS	Business (B) District	Industrial (I) District
Front Setback (Measured From Street Right-Of-Way)	20 Feet	20 Feet
Side And Rear Setbacks (Measured From Lot Line)		
Adjacent To Business and Industrial Districts	10 Feet	10 Feet
Adjacent To Residential District	40 Feet	40 Feet
Adjacent to Agricultural and Water Reservoir Districts	40 Feet	40 Feet
MINIMUM RIPARIAN SETBACK	Business (B) District	Industrial (I) District
Measured At Stream Center Or 100 Year Flood Plain, Whichever Is Greater	100 Feet	100 Feet
HEIGHT REGULATIONS	Business (B) District	Industrial (I) District
Maximum Height except as provided in Section 705	50 Feet	50 Feet

SECTION 704 SUPPLEMENTAL REGULATIONS FOR THE BUSINESS AND INDUSTRIAL DISTRICTS

- A. All developments in the Business District shall maintain the existing small-scale commercial / residential character of the district.
- B. Mechanical equipment, service areas, and other accessory structures shall be located in the side or rear yard and screened from view from adjacent parcels in accordance with Section 709.
- C. Visual screening and landscape buffers shall be provided for all lots in Business and Industrial Districts in accordance with the provisions set forth in Section 709.
- D. Uses, buildings and structures in Business and Industrial Districts, including accessory structures, shall be permitted only after development / site plans have been reviewed and approved according to the procedures set forth in Chapter 4.
- E. Trash containers and incinerators shall be enclosed on a minimum of three sides by an opaque fence or wall having a minimum height of six (6) feet.
- F. Corner lots shall have sufficient depth and width to provide yards abutting both streets which comply with the minimum front yard setback requirements.
- G. On a corner lot at the intersection of two streets, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision within the

triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty five (25) feet distant from point of intersection.

- H. Flag Lots shall comply with the following (See Illustration Section 606):
1. A minimum of 60 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 the district lot size requirements.
 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.

SECTION 705 HEIGHT EXCEPTIONS

The maximum height requirements as stated in Section 703 does not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 706 PARKING REQUIREMENTS

A. 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 herein whenever:

1. A building is constructed or a new use is established;
2. An existing building is altered and/or there is an increase in the seating capacity and/or floor area of a building; or
3. The use of an existing building or structure or use of land is changed to a use requiring more off-street parking facilities.
4. 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.
5. Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of Section 709.

B. Units Of Measure.

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

1. 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.
2. 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.
3. Fractional Numbers. Fractional numbers shall be increased to the next whole number.
4. 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.

C. Parking Standards.

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

MINIMUM REQUIRED OFF STREET PARKING	
USE	PARKING SPACES
Offices	1 space for each 300 sq. ft. of floor area
Retail Stores	1 space for each 200 sq. ft. of floor area
Banks and Financial Institutions	1 space for each 250 sq. ft. of floor area
Research And Testing Laboratories	1 space for each 400 sq. ft. of floor area
Personal Services	1 space for each 250 sq. ft. of floor area
Hotels / Motels	1 space per guest rooms plus 1 space for every 2 employees
Dry Cleaners and Laundry Mats	1 space for each 300 sq. ft. of floor area
Veterinary Clinics / Animal Hospitals	1 space for each 300 sq. ft. of floor area
Pet Spas / Kennels / Animal Shelters	1 space for each 300 sq. ft. of floor area
Photography / Art / Music Studios	1 space for each 300 sq. ft. of floor area
Farmer's Market	N/A
Plant Nurseries / Greenhouses	1 space for each 800 sq. ft. of floor area
Equipment Rental Facilities	1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service bay
Restaurants	1 space for each 50 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater
Massage Therapy / Clinic	1 space for each 300 sq. ft. of floor area
Funeral Home / Crematoriums	1 space for each 300 sq. ft. of floor area
Bed & Breakfast	1 space per guest rooms plus 1 space for every 2 employees
Winery	1 space for every 400 sq. ft. of floor area or 1 space for every 2 seats of seating capacity, whichever is greater

MINIMUM REQUIRED OFF STREET PARKING	
USE	PARKING SPACES
Automotive Sales and Service	1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service bay
Automobile Service Station	2 spaces per service bay
Automobile Repair Garage	2 spaces per service bay
Car Wash	1 space for each 100 sq. ft. of floor area
Automobile Fueling Station	1 space for each 200 sq. ft. of floor area
Truck and Heavy Vehicle Repair	2 spaces per service bay
Vehicle Rental	1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service bay
Amusement Park	
Movie Theaters	1 space of every 3 seats of seating capacity
Fitness Centers	1 space for each 200 sq. ft. of floor area
Golf Courses / Driving Ranges / Miniature Golf Facilities	1 space per tee
Indoor Recreational Center	1 space for each 200 sq. ft. of floor area
Sports & Music Arenas	1 space of every 3 seats of seating capacity
Sportsman Clubs	1 space for each 300 sq. ft. of floor area
Arcades	1 space for each 200 sq. ft. of floor area
Party Centers / Banquet Halls / Meeting Facilities	1 space of every 4 seats of seating capacity
Assisted Living Facilities	1 space for each dwelling unit
Day Care Facilities (Adult or Children)	1 space for each 8 children or adults, based on regulated maximum capacity
Foster Homes / Group Homes	
Nursing Care Facilities	1 space for each two beds
Medical Facilities / Urgent Care Facilities	1 space for each 200 sq. ft. of floor area
Hospitals	1 space for every 2 beds plus 1 space for every 3 employees
Places of Worship	1 space of every 3 seats of seating capacity
Public Parks / Playground	10 spaces plus 1 space per acre
Elementary and Middle Schools (Public or Private)	2 spaces per classroom
High Schools (Public or Private)	6 spaces per classroom plus 1 space for each 4 seats in the largest assembly space
Commercial Campground	1 space for each camp site
Light Manufacturing, Fabrication and Assembly Operations	1 space for each 400 sq. ft. of floor area
Printing, Publishing And Engraving	1 space for each 400 sq. ft. of floor area
Wholesale Businesses and Showrooms	1 space for each 400 sq. ft. of floor area
Warehouse and Distribution Facilities	1 space for each 800 sq. ft. of floor area
Excavation / Landscaping Contractors	1 space for each 400 sq. ft. of floor area

MINIMUM REQUIRED OFF STREET PARKING	
USE	PARKING SPACES
Fireworks Manufacturing	1 space for each 400 sq. ft. of floor area
Building Supply and Lumber Yards	1 space for each 400 sq. ft. of floor area
Stone & Monument Works	1 space for each 800 sq. ft. of floor area
Storage Facilities	1 space for each 800 sq. ft. of floor area

D. Deferred Construction Of Required Spaces.

If the number of parking spaces required in Table 706(C) 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 / site plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

1. Suitable area(s) are reserved for the construction of the balance of the total number of spaces otherwise required by Table 706(C). Such suitable areas shall be illustrated on the development / site plan in locations and with landscaping in full compliance with this Resolution.
2. The Zoning Inspector, or Board of Zoning Appeals for conditional uses, upon re-evaluation of the project parking needs, may at any time direct that some or all of the deferred parking spaces be constructed.
3. Any additional parking shall be provided according to the approved development / site plan.

E. 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 premises in addition to the required number of parking spaces in accordance with the following:

1. 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.
2. Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.
3. Drive-thru windows shall have a minimum of eight (8) waiting spaces per window or drive up facility.
4. Car washes shall have a minimum of eight (8) waiting spaces.
5. Facilities dispensing fuel shall have a minimum of two (2) waiting spaces per pump island.

F. Parking Lot Design Standards.

1. Parking spaces and aisles shall comply with the following standards:

DIMENSIONS FOR PARKING SPACES AND DRIVE AISLES				
	Angle of Parking			
	90 Degree	60 Degree	45 Degree	Parallel
Minimum Width of Space	10 Feet	10 Feet	10 Feet	9 Feet
Minimum Length of Space	20 Feet	20 Feet	20 Feet	23 Feet
Minimum Aisle Width – One Way	22 Feet	18 Feet	13 Feet	13 Feet
Minimum Aisle Width – Two Way	22 Feet	20 Feet	20 Feet	24 Feet

2. Parking lots shall provide for handicapped parking in compliance with the requirements of the American’s With Disabilities Act in both number of spaces and design standards.
3. The number of entrance and exit access drives to accessory parking lots shall be adequate to allow access and exit simultaneously to enhance safety.
4. Access drives shall not exceed three (3) lanes in width.

G. **Parking Lot 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:

1. **Paving.** Parking and loading areas, access drives, and aisles 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.
2. **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.
3. **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.
 - a. Light sources shall be shielded from all adjacent parcels.
 - b. No open light sources such as the stringing of light bulbs shall be permitted, provided however that holiday lights and decorations containing no commercial message may be displayed during the appropriate time of the year.
 - c. Light poles shall comply with the parking lot setback requirements.
 - d. There shall be no light spillage onto adjoining properties.
4. **Maintenance.** Parking and loading areas shall be maintained in a manner to keep them as free as practical 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.

H. Loading Spaces.

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

1. 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.
2. 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.
3. Each business and industrial use shall provide sufficient loading spaces to accommodate the operation of the business.

SECTION 707 SIGNS**A. Signs Generally.**

1. Signs in Business and Industrial Districts may be illuminated in conformance with Section 906.
2. Signs that are accessory to the principal use of the lot shall be permitted by right, provided that such signs comply with the regulations set forth in this Section and in Chapter 9.
3. Buildings or lots having frontage on a second street may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).

B. Business (B) District Signs.

1. The total area of all permanent signs, including wall signs, free-standing signs, and directional signs, for each use, lot, parcel or building under common ownership and control in Business (B) Districts shall not exceed 1.5 square feet for each lineal foot of building frontage as defined in Section 905(E).
2. Each use, lot, parcel or building under common ownership and control in Business (B) Districts shall be permitted one (1) permanent free-standing sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each free-standing sign shall be designed and constructed of such materials as to be compatible with the architectural treatment of the principal building.
3. Parcels in Business (B) Districts that have frontage on a second street may be permitted a second free-standing sign provided that the second free-standing sign is located on other street and does not exceed forty (40) square feet in area nor eight (8) feet in height.
4. One (1) of the signs permitted in subsections (1) or (2) hereof may be an electronic changeable copy sign subject to conformance with the provisions of Section 909.
5. Uses in Business (B) Districts may be permitted a maximum of one (1) permanent free-standing directional sign for each access drive to the site. Directional signs shall not exceed three (3) square feet in area nor three (3) feet in height.
6. Temporary window signs may be permitted provided that such signs do not cover more than twenty-five percent (25%) of the window area.
7. One (1) temporary special event sign may be permitted provided that such signs do not exceed a maximum of thirty-two (32) square feet in area nor eight (8) feet in height and shall not be displayed for more than two (2) thirty (30) day periods per year.

8. One (1) temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit issued. Such sign shall not exceed thirty-two (32) square feet in area or six (6) feet in height. Each such sign shall be removed within five (5) days of receipt of an occupancy permit.

C. Industrial (I) District Signs.

1. The total area of all permanent signs, including wall signs, free-standing signs, and directional signs, for each use, lot, parcel or building under common ownership and control in Industrial (I) Districts shall not exceed 2.0 square feet for each lineal foot of building frontage as defined in Section 905(E).
2. Each use, lot, parcel or building under common ownership and control in Industrial (I) Districts shall be permitted one (1) permanent free-standing sign which shall not exceed forty (40) square feet in area nor eight (8) feet in height. Each free-standing sign shall be designed and constructed of such materials as to be compatible with the architectural treatment of the principal building.
3. Parcels in Industrial (I) Districts that have frontage on a second street may be permitted a second free-standing sign provided that the second free-standing sign is located on other street and does not exceed forty (40) square feet in area nor eight (8) feet in height.
4. One (1) of the signs permitted in subsections (1) or (2) hereof may be an electronic changeable copy sign subject to conformance with the provisions of Section 909.
5. Uses in Industrial (I) Districts may be permitted a maximum of one (1) permanent free-standing directional sign for each access drive to the site. Directional signs shall not exceed three (3) square feet in area nor three (3) feet in height.
6. One (1) temporary special event sign may be permitted provided that such signs do not exceed a maximum of thirty-two (32) square feet in area nor eight (8) feet in height and shall not be displayed for more than two (2) thirty (30) day periods per year.
7. One (1) temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been issued. Such sign shall not exceed thirty-two (32) square feet in area or six (6) feet in height. Each such sign shall be removed within five (5) days of receipt of an occupancy permit.

SECTION 708 FENCES AND WALLS

Fences and walls may be erected in any Business or Industrial District in compliance with the following and shall be subject to development plan review.

- A. Fences and walls shall comply with the following height regulations.
 1. Fences and walls in a front yard shall not exceed four (4) feet in height.
 2. Fences and walls in a side and rear yard shall not exceed six (6) feet.
- B. 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.
- C. All fences and walls shall be of uniform design and shall be well maintained.
- D. Fences and walls used for buffering and screening shall comply with the regulations set forth in Section 709.
- E. The finished surface shall face outside with all posts, braces, etc. on the inside. It shall be the responsibility of the property owner erecting the fence to provide maintenance of the outside surface.

SECTION 709 SCREENING AND BUFFERING**A. Residential Buffers.**

When a lot in any Business or Industrial District abuts a Residential District or an Agricultural District with a residential dwelling, screening and buffering along the entire length of the common boundary shall be provided with any of the following or any combination thereof in accordance with an approved site plan or approval of the Zoning Commission:

1. A dense planting incorporating trees and/or shrubs of a variety that shall be equally effective in screening during winter and summer.
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.
6. Special attention will be given to the height, depth, and width of each buffer so to maximize its effectiveness. 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. 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. When the screening elements are comprised of vegetation, the required height shall be achieved no later than twelve months after the initial installation.

B. Maintenance of Buffers.

Required buffers 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.

1. All screening shall be free of advertising or other signs, except for pertinent instructional signs.
2. All required landscaping shall be maintained in healthy condition by the property 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.
3. Vehicle parking shall not be permitted in landscaped areas.

C. Screening of Parking Lot Across the Street from Residential Districts or Agricultural Districts with Residential Dwellings.

Whenever parking areas consisting of five spaces or more are located directly across the street from 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 and 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 710 SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE FUELING STATIONS

In addition to the above regulations, all Automobile Fueling Stations shall comply with the following standards:

- A. Automobile Fueling Stations located on corner lots 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 703.
- 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 711 PERFORMANCE STANDARDS

No land or building in any Commercial and Industrial Districts shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining properties. However, any use permitted by this Zoning Resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. **Fire Hazards.**
Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by safety codes enforced in the Township and as required by the Fire Chief.
- B. **Radioactivity or Electrical Disturbance.**
No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. **Vibration.**
No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- D. **Smoke.**
Smoke emissions shall comply with the standards and regulations enforced by the Ohio (EPA) Environmental Protection Agency.
- E. **Noise.**
Microphone or other audible signals shall be designed to minimize sound impacts upon abutting uses. Noise which is objectionable, as determined by the Zoning Inspector, due to volume, frequency or beat shall be muffled or otherwise controlled. Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.
- F. **Odors.**
No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.
- G. **Air Pollution.**
No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- H. **Glare.**

- No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- I. **Erosion.**
No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. **Water Pollution.**
Pollution of water shall be subject to the requirements and regulations established by the State of Ohio Water Pollution Control Board.
- K. **Hazardous or Toxic Chemicals or Gases.**
No chemicals or gases, which are a hazard to public health or safety, shall be allowed except in compliance with local, state, and federal standards and regulations.
- L. **Enclosing Structure.**
A use allowed in the Industrial District shall operate entirely within an enclosed structure, emitting no dust, noxious odor or fumes outside this structure, and no greater noise than the average noise level occurring on the street. Any area used for storage of equipment and supplies, service and loading docks shall be screened by walls or fences at least six (6) feet, but not more than eight (8) feet in height. These walls or fences shall have an opaqueness as to effectively conceal service, storage and loading operations from adjoining streets, and from a residential zoning district.

SECTION 712 TEMPORARY BUSINESSES IN BUSINESS AND INDUSTRIAL DISTRICTS

- A. **Permit Required.**
It shall be unlawful for any person to operate a temporary business within the Township without first obtaining a zoning permit in compliance with the provisions of this Zoning Resolution.
- B. **Application for Zoning Permit.**
Persons desiring to operate temporary businesses shall make application to the Zoning Inspector as provided in Chapter 2. One application shall be made to authorize one or more temporary businesses, provided that all locations identified by the application are owned and operated by the same person, firm, or corporation.
The application for a Zoning Permit for a Temporary Business shall include the following information:
1. The name(s) of the corporation(s), firm(s), or person(s) which the applicant proposes to represent; the name(s) of the person(s) who shall operate the temporary business within the Township and the name(s) of the person(s) having the management or supervision of the temporary business; the local and permanent addresses of the aforementioned person(s); and the telephone numbers at which such person(s) can be reached;
 2. A brief description of the nature of the business and the kinds of goods, services, or property to be solicited or offered for sale by temporary businesses; and the manner in which such business shall be conducted;
 3. Evidence of a current vendor's license issued by the State of Ohio;
 4. The federal identification number of the applicant's business and the social security number(s) of the person(s) having the management or supervision of the business and of all employees of temporary businesses identified on the permit application;
 5. The place where and duration of the time the applicant was last engaged or is currently engaged in business;

6. The place(s) in the Township where it is proposed to carry on the applicant's business and the length of time during which it is proposed that said business be conducted;
 7. Written permission of the owner of the site if other than the applicant.
 8. A site plan showing ingress and egress from the site, parking areas, setbacks and dimensions of all buildings, tents, canopies, stands and other structures, merchandise setbacks, and location of signs.
- C. **Exemptions.**
The following persons may be exempted from all or portions of the requirements hereof: temporary businesses operated by and for tax-exempt organizations, and any other persons otherwise exempted by law including Agricultural Roadside Stands / Farm Markets.
- D. **Expiration of Zoning Permit.**
Zoning Permits issued for Temporary Businesses shall expire as determined by the Zoning Inspector and as shown on the permit but in no case later than eight (8) weeks after issuance.
- E. **Revocation of Zoning Permit.**
Zoning Permits for Temporary Businesses may be revoked in accordance with the provisions of Chapter 2.
- F. **Hours of Operation.**
Hours of operation shall be as specified on the Zoning Permit.
- G. **Regulations for Temporary Businesses.**
No person shall operate a place of Temporary Business which:
1. Violates the provisions of the Ellsworth Township Zoning Resolution with regard to setbacks of merchandise displayed for sale and the district in which such activities can be conducted;
 2. Exhibits signs of any kind which are in violation of the provisions of this Zoning Resolution; and
 3. In any manner adversely affects the public health, safety or welfare.
- In authorizing outside displays, the Zoning Inspector may attach such reasonable conditions as the Zoning Inspector deems necessary including but not limited to the length of time such display may be permitted, the portions of the property used for display, provisions for parking, provision for adequate ingress and egress, and the posting of a deposit as determined by the Township Trustees.
- H. **Signs.**
All signs for temporary businesses shall conform to the requirements of Chapter 9 General Sign Regulations of this Zoning Resolution. A temporary business may be permitted one (1) free-standing sign which shall not exceed a maximum of thirty-two (32) square feet in area nor eight (8) feet in height and shall be removed immediately upon termination of the temporary Zoning Permit.
- I. **Enforcement.**
The Ellsworth Township Zoning Inspector and his/her duly authorized representatives shall have the authority to examine all places of business and persons within the Township subject to the provisions of this section, to determine if this section has been complied with and to enforce the provisions of this section against any person found to be violating the same.

CHAPTER 8

PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Section 801	PURPOSE AND INTENT.	Section 805	APPLICATION
Section 802	ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT DISTRICTS.		REQUIREMENTS AND PROCEDURES.
Section 803	PERMITTED USE.	Section 806	DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES.
Section 804	DEVELOPMENT STANDARDS.	Section 807	PROFESSIONAL ASSISTANCE.
		Section 808	INSPECTION.

SECTION 801 PURPOSE AND INTENT

The purpose of this chapter is to establish provisions for planned unit development districts subject to the regulations and procedures contained herein in conformance with the provisions of Section 519.021 of the Ohio Revised Code. Planned unit development districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using flexible zoning guidelines and site design criteria.

It is the intent of this chapter to make planned unit developments subject to the established and negotiated development standards as proposed and accepted by the developer as part of the approval process in order to:

- A. Encourage creative, high quality site design practices in the development of residential areas;
- B. Promote harmony and integration with existing land uses and protect adjoining properties from adverse impacts;
- C. Promote safe and efficient pedestrian and vehicular movement;
- D. Permit the clustering of housing units;
- E. Promote efficient layout of infrastructure;
- F. Provide tracts of permanently preserved open space; and
- G. Protect and enhance natural and historic resources.

SECTION 802 ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT DISTRICTS

The following shall govern the establishment of any Planned Unit Development (PUD) District:

- A. No PUD District shall be established except subsequent to petition by the owner(s) of land proposed to be included within the district.
- B. No PUD District shall be created unless a determination is made that such development will be in conformance with the goals and objectives of the Ellsworth Township Land Use Policy Plan.
- C. Each PUD District shall be served by an approved central or public water supply system and an approved central or public sanitary sewer system.
- D. Each PUD District shall have a minimum area of not less than fifteen (15) contiguous Acres, provided however, that after a district is established, additional contiguous areas

- of any size may be added as modifications and extensions of the original district.
- E. Each Planned Unit Development shall be developed in conformance with an approved development plan which has been reviewed and approved by the Township in accordance with the provisions set forth herein.

SECTION 803 PERMITTED USES

Within a Planned Unit Development District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses specifically enumerated as permitted, conditionally permitted, or accessory and further provided that each such use is identified on and approved as part of the development plan:

- A. **Permitted Uses.**
1. Detached Single Family Dwellings
 2. Attached Single Family Dwellings, provided that not more than four (4) such dwelling units shall be attached in any single building
 3. Public or private parks and recreation facilities, including golf courses, club houses, swimming pools, and tennis courts
 4. Public Facilities
 5. Business Uses as permitted in Business (B) District (See Section 702)
- B. **Conditionally Permitted Uses.**
1. Private and Public Schools
 2. Day Care Facilities and Nursery Schools
- C. **Accessory Uses.**
1. Detached Garages
 2. Common and/or Guest Parking Areas
 3. Detached Storage Buildings
 4. Fences
 5. Home Occupations subject to the conditions and requirements set forth in Section 613.

The Zoning Commission shall make recommendations, and the Board of Township Trustees shall determine the appropriateness of each proposed use in reviewing the development plan, giving consideration to the standards established herein and any other considerations deemed by the Zoning Commission and Board of Township Trustees to be significant in determining the appropriate use or uses for the proposed District. The Zoning Commission shall make recommendations, and the Board of Township Trustees shall have the authority to deny approval for any proposed use where such use is determined to be inappropriate as proposed.

SECTION 804 DEVELOPMENT STANDARDS

The following development standards shall apply to all Planned Unit Development Districts:

- A. **Density of Dwelling Units.**
The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than four (4) dwelling units per gross acre of the Planned Unit Development District exclusive of land used for business uses.
- B. **Open Space Requirements.**

1. Open space and recreation areas shall be as set forth on the final approved development plan provided, however, that the land area designated for open space and recreational use shall not be less than twenty-five percent (25%) of the total land area of the Planned Unit Development District. Common open space shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the PUD and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
 2. Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area.
 3. Water surface of lakes, ponds, or other open bodies of water which are under the direct ownership and control of the applicant may be included as open space but shall not be considered to constitute more than one-half (1/2) of the required common open space requirement for any Planned Unit Development District.
 4. The ownership of all common open space areas shall be identified and a perpetual maintenance plan for said areas submitted to the Township for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall become part of the development plan and development agreement and shall be placed on record with the County Recorder as a covenant on the land within the PUD District. The perpetual maintenance plan shall identify Ellsworth Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.
 5. The Township may, but shall not be required to, accept dedication of any common open space.
- C. **Utilities.**
All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township as part of the development plan approval.
- D. **Maximum Height.**
No building or structure shall exceed two (2) stories or thirty-eight (38) feet in height except as specifically authorized by the Zoning Commission and Board of Township Trustees as part of the development plan approval.
- E. **Parking.**
Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached garage. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
- F. **Minimum Floor Area.**
No dwelling unit within a Planned Unit Development shall contain less than fifteen hundred (1500) square feet of livable floor area.
- G. **Access and Street Requirements.**
1. All Planned Unit Developments shall be designed to provide access for proposed

uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use, which is part of a PUD Development, shall have a driveway access directly onto an existing public street.

2. All streets constructed as part of a PUD Development shall comply with the requirements of the Mahoning County Subdivision Regulations
3. Private streets within a PUD District shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snowplows and garbage trucks. Private streets shall be designed and constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations.
4. Each dwelling unit and each non-residential use shall have access to a private street internal to the Planned Development District in a manner approved by the Township and said access shall be clearly defined on the development plan.
5. Planned Unit Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.

H. **Setbacks and Separations.**

Building setbacks and separations shall be as established on the approved final development plan. In establishing said separations the Zoning Commission and Board of Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following:

1. No building, structure, or parking area shall be located closer than fifty (50) feet to the right-of-way line of an existing public street.
2. No building, structure, or parking area shall be located closer than twenty-five (25) feet to any project boundary line of the Planned Unit Development.
3. No building or structure shall be located closer than twenty-five (25) feet from the right-of-way line of any new public right-of-way constructed as part of the PUD.
4. No building or structure shall be located closer than twenty (20) feet to the edge of pavement or edge of easement of any private street.
5. The minimum distance between buildings shall be twenty (20) feet.
6. Where lot lines are created as part of a Planned Unit Development, there shall be no setback requirement from such lot lines provided such arrangement is shown on the development plan and is approved by the Township.

I. **Minimum Building Lot Area.**

Where individual building lots are established within a Planned Unit Development, the sizes of said lots shall be as established on the development plan and as approved by the Township.

J. **Landscaping and Buffers.**

All disturbed areas within a Planned Unit Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and

shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections. Screening and buffering shall be provided within the required setback from existing public street rights-of-way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Board of Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan. Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Board of Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

K. **Architectural Design.**

Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Use of excessively similar or excessively dissimilar building treatments should be avoided.

SECTION 805 APPLICATION REQUIREMENTS AND PROCEDURES

Property owners who wish to have their land zoned for a Planned Unit Development District shall make application for both an Official Zoning Map amendment and general development plan approval. The request for rezoning and application for general development plan approval shall occur simultaneously and the approval of one shall be dependent on the approval of the other.

Applications for rezoning to a Planned Unit Development District shall be made by filing an application with the Zoning Inspector. The following submission requirements shall apply to all applications for rezoning to a Planned Unit Development District:

- A. A general development plan conforming to the requirements of Subsection 404.
- B. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.
- C. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs.
- D. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
- E. Proposed covenants and restrictions intended to govern the development and future use of the Planned Unit Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities, and any proposed development agreement proffered as inducement for the rezoning of the property.

After the Board of Township Trustees approves both an application for rezoning to a Planned Unit Development District and the general development for said PUD District, the applicant shall submit a final development plan or plans, if the development is to be accomplished in phases, in conformance with Section 806 hereof.

SECTION 806 DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES**A. Pre-application Meeting.**

Applicants are encouraged to meet with the Zoning Inspector and other pertinent Township Officials prior to the submission of a development plan for a Planned Unit Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, to familiarize the applicant with the PUD District process.

B. Development Plans Required.

Submission of development plans is required for all Planned Unit Development projects. A general development plan for the entire project shall be submitted and reviewed simultaneously with the application for rezoning for the PUD District. If the rezoning and general development plan is approved, subsequent development of the property shall be made only in substantial conformance said approved development plan. After a parcel is rezoned to a Planned Unit Development District and a general development plan has been approved for the entire project, the applicant shall submit a final development plan for review and approval.

C. General Development Plan Submission Requirements.

Each application for general development plan review shall include twelve (12) copies of a plan for the entire PUD area, drawn to scale and shall include, at a minimum, the following data:

1. The name of the development, the name of the owner or developer, north arrow, date and scale;
2. The owners and zoning classification of adjoining parcels;
3. A boundary survey;
4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval;
5. Proposed building locations;
6. Location of all minimum setback lines;
7. Vehicular and pedestrian circulation plans;
8. All off-street parking areas indicating the number of parking spaces provided and the number required;
9. A storm drainage plan; including preliminary arrangements for storm detention facilities.
10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
11. All existing and proposed sanitary sewer facilities;
12. Location and size of all recreation and open space areas;
13. A general planting and landscaping plan;
14. Architectural plans of proposed structures including the number and minimum floor area of dwelling units;
15. The location, width, names, and grades of existing and proposed streets.
16. Typical sections for all proposed streets;
17. Proposed phases if the project is to be developed in stages;
18. The location and sizes of any proposed fee simple building lots;
19. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type.

D. **Review Criteria for General Development Plans.**

When reviewing an application for a Planned Unit Development, the Zoning Commission and Board of Township Trustees shall consider, but shall not be limited to consideration, of the following characteristics of the proposed development:

1. The comprehensive nature and design of the general development plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts;
2. The suitability of the site proposed for zoning as a Planned Development District, including its location, area, relationship to existing development in the community, natural features, relationship to community plans, and such other characteristics as may be deemed important;
3. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
4. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
5. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes;
6. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit within the District;
7. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District;
8. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
9. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
10. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
11. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering;
12. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
13. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
14. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Unit Development and its improvements;
15. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

E. **Final Development Plan Requirements.**

Final development plans submitted to the Zoning Commission for review shall be based on a previously approved general development plan and may be for portions or phases

of the entire project. Final plans shall be submitted at least ten (10) business days prior to the meeting at which said plans will be reviewed by the Zoning Commission. A minimum of twelve (12) copies shall be submitted. Submission shall include a fee as established by the Board of Township Trustees. Final development plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.

Final development plans shall be prepared by persons professionally qualified to do such work. Final development plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio. Final site plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.

Final development plans shall include detailed design information for all of the items contained on general development plans but shall also include detailed construction drawings for proposed improvements including such items as:

1. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
2. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, and the location and sizes of water mains, and the location of fire hydrants;
3. A detailed landscaping plan including a listing of all plant material by type, size, and number;
4. Provisions for the adequate control of erosion and sedimentation;
5. The location, type, size and height of all fencing, screening, and retaining walls;
6. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
7. A site lighting plan;
8. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses;

F. **Bonding of Required Improvements.**

A performance bond or other financial guarantee as approved by the Board of Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period.

G. **Approval of Final Development Plans.**

The Zoning Commission shall review each final development plan and shall make a recommendation to the Board of Township Trustees regarding same within sixty (60) days of the date at which such final development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant. The Zoning Commission may suggest, and the Board of Township Trustees may attach, such conditions to the approval of a final development plan as may be reasonably required by

- the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Land Use Plan. The Board of Township Trustees shall act upon each final development plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Board of Township Trustees with the consent of the applicant.
- H. **Compliance Required.**
Subsequent to the approval of a Planned Unit Development District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in substantial compliance with the approved final development plan and any conditions of such approval adopted by the Township in approving the PUD District and final development plan. Any departure from the approved final development plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the final development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.
- I. **Amendments to Final Development Plans.**
The owner of a Planned Unit Development may submit plans for amendment of the final development plan approved for the District. The Zoning Commission and Board of Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the general development plan approved for the District as part of the rezoning.
If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved general development plan for the PUD District, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.

SECTION 807 PROFESSIONAL ASSISTANCE

The extent and complexity of certain applications for Planned Unit Developments will require that the Zoning Commission and/or Board of Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission and/or Board of Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Unit Development. The Zoning Commission and/or Board of Township Trustees shall advise the applicant if such studies are required and provide an estimate of the anticipated costs of such studies. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.

SECTION 808 INSPECTION

During construction, the Township's designated representatives shall be afforded adequate opportunity to inspect the development to confirm proper installation of required improvements and compliance with the provisions of this Zoning Resolution, the approved standards and conditions for the PUD, and such other regulations as may be applicable.

CHAPTER 9

**GENERAL SIGN REGULATIONS
APPLICABLE TO ALL DISTRICTS**

Section 901	PURPOSE AND INTENT.	Section 905	GENERAL REQUIREMENTS.
Section 902	COMPLIANCE REQUIRED.	Section 906	ILLUMINATION OF SIGNS.
Section 903	ZONING PERMIT AND FEE REQUIRED.	Section 907	LOCATION OF SIGNS.
Section 904	ZONING PERMIT AND FEE EXCEPTIONS.	Section 908	PROHIBITED SIGNS.
		Section 909	CHANGEABLE COPY SIGNS.

SECTION 901 PURPOSE AND INTENT

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

- A. To promote and maintain attractive and high value residential districts;
- B. To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in commercial districts;
- C. To provide for appropriate and harmonious identification of uses and services within industrial districts;
- D. To protect property values;
- E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and
- F. To protect and preserve the aesthetic quality and physical appearance of the Township.

SECTION 902 COMPLIANCE REQUIRED

- A. Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with these provisions. These provisions shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs.
- B. Any owner, part owner, tenant or lessee who permits a sign to remain on their property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Inspector shall order the sign to be made safe or removed. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Zoning Inspector forthwith in the case of immediate danger and in any case within five (5) days, secure, repair or remove said sign or structure in a manner approved by the Zoning Inspector. If said person or firm fails to comply with such order within five (5) days, the Zoning Inspector may remove the sign at the expense of the owner or lessee.

- C. The Zoning Inspector shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector within five (5) days, remove or modify the sign or structure in a manner approved by the Zoning Inspector. If such sign is not removed or brought into compliance as directed in the notice of violation within five (5) days, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.
- D. The Zoning Inspector shall order the immediate removal of any temporary sign that is not promptly removed upon the expiration of the temporary permit period. Removal of said sign shall be at the property owner's expense.

SECTION 903 ZONING PERMIT AND FEE REQUIRED

A Zoning Permit issued by the Zoning Inspector after review and recommendation from the Zoning Commission pursuant to the provisions of this Zoning Resolution shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted hereof. In addition to the standard requirements regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or affixed.

SECTION 904 ZONING PERMIT AND FEE EXCEPTIONS

No Zoning Permit shall be required for:

- A. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure;
- B. Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual;
- C. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;
- D. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas.
- E. Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties.
- F. One temporary sign not exceeding four (4) square feet in area per lot or parcel, which is not displayed for more than 60 days per year shall be permitted.
- G. Signs identifying the address of the premises.
- H. Temporary (60 days or less) Holiday or Party displays that do not interfere with traffic.
- I. Works of art that do not include a commercial message.
- J. Holiday lights and decorations containing no commercial message when displayed during the appropriate time of the year.
- K. Flags of the United States, the State, foreign nations, or flags adopted or sanctioned by an elected legislative body or competent jurisdiction.

SECTION 905 GENERAL REQUIREMENTS

The following provisions shall apply to all signs:

- A. The total area of all signs permitted on a lot in accordance with regulations set forth in the following sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include:
 1. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property;
 2. Required address identification signs; or
 3. Any sign which cannot be seen from a public street right-of-way, or adjacent properties.
- B. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.
- C. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two faces of a free-standing sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.
- D. The height of free-standing signs shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.
- E. For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the facade facing the public street right-of-way or containing the main entrance, and the frontage of a lot shall be the number of linear feet that the lot abuts on the public street right-of-way.
- F. 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 provided in this Resolution for outdoor advertising signs.
- G. 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.

SECTION 906 ILLUMINATION OF SIGNS

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All illuminated signs shall comply with the requirements of the National Electric Code.
- B. Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.
- C. Illumination shall not be of excessive brightness and shall be shielded to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
- D. Flashing, moving or intermittent illumination other than changeable copy shall not be permitted.
- E. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.
- F. No sign shall be of such intensity as to create a distraction or nuisance for motorists or to exceed a maximum of 0.3 foot candles measured at a set distance from the sign's face as set forth in the following table:

Area of Sign Square Feet	Measurement Distance
10	32
15	39
20	45
25	50
30	55
35	59
40	63

SECTION 907 LOCATION OF SIGNS

All signs shall be located in conformance with the following criteria:

- A. No signs shall be attached to utility poles, street signs, or traffic control poles.
- B. No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections.
- C. No sign shall be located in a manner which obstructs sight distances for vehicles entering or exiting any property or traveling on a public street.
- D. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
- E. No sign shall extend over a sidewalk or other public way.

SECTION 908 PROHIBITED SIGNS

Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:

- A. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
- B. Mobile, portable, or wheeled signs;
- C. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign that is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
- D. Signs placed, inscribed or supported upon a roof or upon any structure that extends above the roofline of any building;
- E. Inflatable images;
- F. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices, provided however, that changeable copy signs shall be permitted in conformance with Section 909.
- G. Signs that employ any part or element, which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
- H. Beacons or searchlights;
- I. High intensity strobe lights; and
- J. Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.

- K. Signs that obstruct visibility at street intersections or driveways exit onto roadways. (See Illustration Section 606).

SECTION 909 CHANGEABLE COPY SIGNS

Multiple message and variable message signs which are changed electronically shall conform to the following standards:

- A. Each message or copy shall remain fixed for at least twenty (20) seconds. Messages shall not flash, including moving video displays or animation, or emit intermittent light.
- B. Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
- C. Such sign must be capable of regulating the digital display intensity and the light intensity level of the display and must automatically adjust to natural ambient light conditions.
- D. No such sign shall be of such intensity as to create a distraction or nuisance for motorists
- E. Such signs shall not emulate traffic control devices
- F. Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs
- G. The entire message shall change at once, without scrolling, animation, flashing or blinking or other movement or noise.
- H. No more than one (1) electronic changeable copy sign is permitted per premises regardless of the number of signs permitted or the number of uses on the premises.
- I. Property owners erecting an electronic changeable copy sign waive their right to erect any temporary signs on their property pursuant to Sections 707(B)(6) or 707(C)(6).

CHAPTER 10

OIL AND GAS DRILLING AND BRINE INJECTION WELLS

Section 1001 PURPOSE.	Section 1003 REGISTRATION APPLICATION.
Section 1002 REGISTRATION REQUIRED.	Section 1004 STANDARDS.

SECTION 1001 PURPOSE

These regulations are intended to supplement the provisions of Chapters 1501 and 1509 of the Ohio Revised Code to maintain the health, safety and welfare of Township residents.

SECTION 1002 REGISTRATION REQUIRED

Prior to commencement of any drilling operations registration with the Township Zoning Inspector is required. A separate registration is required for each well. No person, firm or corporation shall drill a new oil, gas or brine injection well, drill an existing well deeper, reopen or convert a well, or plug back a well to a source or supply different from the existing pool, without first completing a registration with the Township Zoning Inspector.

SECTION 1003 REGISTRATION APPLICATION

Registration applications shall include the following information and documentation:

- A. The property owner's name, mailing address and contact phone number.
- B. The name, address and contact phone number of the person, corporation, or other legal entity conducting the drilling, extraction, or injection operations on the owner's property.
- C. A site plan drawn to scale showing the property boundary lines of the drilling, extraction, or injection site; the proposed location of the well; all permanent storage tanks, apparatus, appliances, equipment, utility installations, buildings, structures, and other permanent items associated with the site or operation.
- D. Copies of all required Federal and State of Ohio permits.

SECTION 1004 STANDARDS

- A. No well shall be drilled nearer than five hundred (500) feet from any inhabited dwelling or any public building used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, or public occupancy which is not located on the premises of the well. No well shall be nearer than one hundred (100) feet from another well, or nearer than two hundred (200) feet from the right-of-way of any street, highway, or railroad track.
- B. Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by a six (6) feet high chain link fence. All fences shall be kept in good repair until the well is abandoned and tanks have been taken out of service. All gates shall be padlocked.

- Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc., shall not be closer than seventy five (75) feet from any public right of way, fifty (50) feet from any property line, two hundred (200) feet from any private dwelling house, or five hundred (500) feet from any potable water well. Tanks may not exceed ten (10) feet in height and must be painted and maintained.
- C. No more than two hundred ten (210) barrel oil tanks shall be permitted at an oil and/or gas well site at any time. All oil and/or gas storage shall be considered an integral part of the well and therefore subject to the minimum site regulations set forth herein.
- D. Access to all wells and all support structures shall be by way of a driveway or access road which shall be constructed of slag, stone, or asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation. Driveways shall be a minimum of ten (10) feet wide, and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). Permanent drives shall serve both well and tank sites. Temporary driveways shall have an approach not less than forty (40) feet wide at the road which tapers to thirty (30) feet at the road right of way, extending no less than one hundred (100) feet onto private property. Such temporary driveways shall be constructed of crushed aggregate, stone or slag and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). All driveways and access roads shall have a metal gate or cable unless the property owner requests otherwise. The driveway/access road shall have a culvert of sufficient diameter to carry all water coursing through the driveway and/or access roadside ditch, and shall be forty (40) feet long and a minimum of twelve (12) feet wide. The driveway must be a minimum of fifty (50) feet from roadway intersections, and a minimum of fifteen (15) feet from lot lines.
- E. All pipelines shall be buried a minimum of thirty (30) inches deep. Pipelines crossing under shall be installed by the boring method, with a bore of at least three (3) feet below the flow lines of all ditches.
- F. No saltwater or other liquid waste shall be deposited on township roads or property. Prior to the surface disposal of salt water or other liquid waste on privately owned property within the township, the well owner shall obtain a Liquid Waste Disposal permit from the State Director of Environmental Protection. A copy of the liquid waste disposal plan shall be part of the registration with the Township. No loading or unloading of oil, water or other materials is to be made from the roadway. Blocking of the roadway is prohibited.
- G. The drilling area shall be maintained in a neat and orderly condition and, so far as is practicable, all wheeled equipment is to be free of mud prior to entering the highway or road so that no deposit or debris is left on the highway or road. The drilling company shall be responsible for maintenance of the immediate well area and its associated facilities. This maintenance shall include trash and debris removal, landscaping and any necessary clean up in the case of a well malfunction. Restoration landscaping shall be completed within sixty (60) days after drilling has been completed.
- H. No cleat track vehicle are allowed on township roads, except in cases of emergency or by advance written permission of the Township. No water trucks shall run on township roads during times when school buses are picking up and dropping off students.
- I. The Owner and/or well driller shall post a conspicuous sign at the well site that includes the name(s) and emergency contact phone number(s) of the person(s) to contact, along with other pertinent formation to aid safety forces in the event of an emergency.

CHAPTER 11

CONDITIONAL USE PERMITS

Section 1101	PURPOSE.	Section 1108	REAPPLICATION.
Section 1102	APPLICATION.	Section 1109	GENERAL STANDARDS FOR ALL CONDITIONALLY PERMITTED USES.
Section 1103	NOTICE AND HEARING.	Section 1110	SPECIFIC STANDARDS FOR CONDITIONALLY PERMITTED USES.
Section 1104	BASIS OF DETERMINATION.		
Section 1105	EXPIRATION AND TERMINATION.		
Section 1106	VIOLATIONS AND REVOCATION.		
Section 1107	APPEALS.		

SECTION 1101 PURPOSE

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, and, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants. In order to accomplish such a dual objective, a provision is made in this Zoning Resolution for a more detailed consideration of each of certain specified activities relative to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement, and concentration of population, etc. Land and structure uses possessing these particular unique characteristics are designated through the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. The Board of Zoning Appeals may authorize the issuance of such Conditional Use Permits for any of the uses specified in this Zoning Resolution pursuant to the procedures set forth herein. The Board of Zoning Appeals is also authorized, upon application and hearing, to modify and amend previously granted Conditional Use Permits.

SECTION 1102 APPLICATION

A. Submission

An application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose.

B. Data Required with Application

Each application shall include at a minimum, the following:

1. Thirteen (13) copies of a site plan, plot and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
2. Complete plans and specifications for all proposed development and construction.
3. A statement supported by substantiating evidence regarding the requirements enumerated in Sections 1109 and 1110, inclusive.
4. A fee as established by the Board of Township Trustees.

C. **Review and Approval**

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Zoning Resolution. Within five (5) business days of the submission date, the Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process.

SECTION 1103 NOTICE AND HEARING

After adequate review and study of an application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication of notice of such hearing in a newspaper of general circulation in the Township at least ten (10) days prior to the date of such hearing. Such notice shall indicate the place, time, and subject of the hearing. Written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the subject site to the address of such owners appearing on the county auditor's current tax list. Such notice or letter shall indicate the place, time, and subject of the hearing.

SECTION 1104 BASIS OF DETERMINATION

The Board of Zoning Appeals shall consider each application for a Conditional Use Permit based upon the general and specific standards set forth herein. No Conditional Use Permit shall be approved unless the Board determines that such use will comply with said standards. When approving a Conditional Use Permit, the Board of Zoning Appeals may impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Resolution will be observed. Upon approval by the Board, the Zoning Inspector shall issue a Conditional Use Permit setting forth the terms and conditions of such approval. The Board of Zoning Appeals may, at its discretion, refer an application to qualified consultants for such reports as the Board may deem necessary and appropriate for proper evaluation of the application. The cost of any such consultant reports shall be at the expense of the applicant. The applicant shall be notified of the cost of such reports and shall immediately deposit with the Township Fiscal Officer funds in said amount prior to any further consideration of the application by the Board. Reports so requested shall be furnished to the Board of Zoning Appeals and the applicant as soon as it is practicable.

SECTION 1105 EXPIRATION AND TERMINATION

Conditional Use Permits shall become null and void at the expiration of one (1) year after the date of issuance unless either the use for which the Conditional Use Permit was approved has commenced or a valid building permit has been obtained and construction of the approved buildings, structures, and other improvements is being diligently pursued, or said time is extended by the Board of Zoning Appeals. Conditional Use Permits shall also expire and become null and void if the use for which the Conditional Use Permit was approved is discontinued, abandoned, or ceases for any reason for a period of more than one (1) year.

SECTION 1106 VIOLATIONS AND REVOCATION

The Zoning Inspector shall notify the Conditional Use Permit holder of any noted violation of this Zoning Resolution or the specific terms, requirements, and conditions of the Conditional Use Permit and shall order that such use be brought into compliance and shall set forth a reasonable period of time to do so. The breach of any condition, safeguard, or requirement of the Conditional Use Permit shall constitute a

violation of this Zoning Resolution. If the Conditional Use Permit holder fails to comply with either the provisions of this Zoning Resolution or the conditions of the Conditional Use Permit within such time period, the Zoning Inspector shall take appropriate action to compel compliance and/or abate the violation. Where a permit holder continues to violate the provisions of a Conditional Use Permit, the Zoning Inspector may, in addition to taking actions to compel compliance or abate the violation, refer the Conditional Use Permit to the Board of Zoning Appeals to consider possible revocation of the Conditional Use Permit.

SECTION 1107 APPEALS

When an individual is aggrieved by a decision or action of the Zoning Inspector with regard to administration or enforcement of a Conditional Use Permit, said individual may appeal said action or decision as set forth in Chapter 13 hereof.

SECTION 1108 REAPPLICATION

No application for a Conditional Use Permit which has been denied wholly or in part by the Board of Zoning Appeals of the Township shall be resubmitted until the expiration of one (1) year or more after such denial, unless newly discovered evidence or proof of changed conditions exist which would be sufficient to justify the reconsideration by the Board of Zoning Appeals.

SECTION 1109 GENERAL STANDARDS FOR ALL CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

- A. Will be harmonious with and in accordance with the general objectives of the Ellsworth Township Land Use and Policy Plan;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or whether such use will change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will not create excessive additional requirements or costs for public facilities and services or be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, smoke, fumes, glare, odors, or noise of any nature;
- G. Will be consistent with the intent and purpose of this Zoning Resolution;
- H. Will be in compliance with the Mahoning County Subdivision Regulations, when applicable, the Mahoning County Board of Health Standards, and the Mahoning County Building Code;
- I. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
- J. Will be developed with consideration given to minimizing removal of trees and change of topography; and
- K. Will not result in the destruction, loss, or damage of natural scenic or historic features of major importance.

SECTION 1110 SPECIFIC STANDARDS FOR CONDITIONALLY PERMITTED USES

In addition to the general standards set forth in Section 1109, the Board of Zoning Appeals shall also consider whether the application for a conditionally permitted use complies with the specific standards for uses set forth herein.

A. Similar Uses.

An applicant may submit an application for a Conditional Use Permit for a building or use which is not specifically listed as a permitted use in those districts where similar uses are authorized by this Zoning Resolution. The Zoning Inspector shall maintain a record of each use declared to be similar by the Board of Zoning Appeals in each zoning district. Such list shall be used by the Zoning Inspector to evaluate subsequent applications for the same use or the same districts as a permitted use. Uses determined by the Board of Zoning Appeals to be similar uses in a zoning district shall be added to the list of permitted uses at the next general update of this Zoning Resolution. The Board of Zoning Appeals shall interpret this Zoning Resolution to determine if the proposed use is a comparable use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Zoning Resolution:

1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district.
2. Whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
3. Whether the establishment of the use in the district will significantly alter the nature of the district.
4. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
5. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.

B. Wind Turbines.

Wind turbine devices and related facilities intended to convert wind energy into electrical power shall comply with the following standards:

1. The minimum lot area shall be 2.0 acres.
2. The maximum height of any wind turbine shall be 120 Feet measured to the top of the rotor blades in the vertical position, provided however, that on lots in excess of 2.0 acres in area the height may be increased five (5) feet for each additional acre of land area up to a maximum of 150 feet.
3. Other than the supporting tower, no portion of the turbine, including the rotor blades shall extend to within 15 feet of the ground.

4. In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line right-of-way or easement, or gas well shall be 1.1 times the height of the tower and blade.
5. The maximum sound produced by a wind turbine during operation shall not exceed 60 dbA measured at the nearest property line.
6. All wind turbines shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that they do not exceed the design limits of the system.
7. Towers, turbines and blades shall be white, black, or gray.
8. Wind turbine towers shall be constructed with a monopole design. Guy wire towers are prohibited.
9. Lighting of wind turbines and towers shall be prohibited unless required by FAA regulations.
10. Wind turbine systems shall be properly maintained at all times in compliance with all OSHA and manufacturers specifications. The immediate grounds around the base of the wind turbine shall be maintained in good condition at all times.
11. Any wind turbine that is not operated or ceases to function for a period of twelve (12) consecutive months or longer shall be deemed abandoned and shall be removed. The Board of Zoning Appeals shall require a bond to insure removal of abandoned and/or non-operational facilities.
12. No Signage or advertising shall be permitted on any wind turbine device, provided however, that each wind turbine shall have a visible mounted emergency placard 18 inches by 18 inches containing the name and emergency contact information of the owner and individual or firm responsible for service and the date of installation of the facility.
13. Each application for a wind turbine shall be accompanied by a report from a licensed engineer documenting that the proposed wind turbine system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, that it has appropriate over-speed controls.
14. The base of the tower and all related facilities shall be completely enclosed with a secure fence having a minimum height of six (6) feet and a maximum height of ten (10) feet. The fence shall be screened from view with a row of evergreens spaced not less than ten (10) feet on center. Initial plantings shall be not less than four (4) feet in height. Existing vegetation which is preserved may be substituted for evergreen plantings where approved by the Board.

C. **Wireless Telecommunications Facilities and/or Towers**

1. **Permit Required.**

Except in accordance with Ohio Revised Code Section 519.211 and the provisions of this Zoning Resolution, no person shall, in an area zoned AG Agricultural District or R Residential District, locate, erect, construct, reconstruct, change, alter, use or enlarge any wireless telecommunication tower. Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 519.211, regarding a wireless telecommunication tower in an area zoned AG Agricultural District or R Residential District, the Board of Zoning Appeals, shall, upon proper application and hearing as set forth herein, have the power to issue at its discretion a Conditional Zoning Certificate allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such wireless

telecommunication tower if it finds that the applicant has satisfied all of the applicable requirements hereof.

2. Exceptions.

The following are exceptions to the regulations contained herein pertaining to wireless communication towers:

- a. The addition of a new wireless telecommunication antenna to an existing tower in any AG Agricultural District or R Residential District where such installation does not involve any increase or extension of the original height of the structure on which it is mounted shall not require a Conditional Zoning Certificate but may directly apply for and obtain a Zoning Certificate for such installation from the Zoning Inspector.
- b. Wireless telecommunication towers located in areas zoned AG Agricultural District or R Residential District where, within such time period as is stipulated in Ohio Revised Code Section 519.211(F)(1), neither a contiguous property owner gives written notice to the Township Trustees requesting that the wireless telecommunications facility be subjected to the provisions of this Zoning Resolution, nor a member of the Township Trustees makes an objection to the proposed location of the wireless telecommunications facility.

3. Application Requirements.

Requests for a Conditional Zoning Certificate to install a wireless telecommunication facility in an area zoned AG Agricultural District or R Residential District shall be filed through the Zoning Inspector to the Board of Zoning Appeals in conformance with the provisions of this Chapter. In addition to the application requirements set forth in Section 1102, the following additional requirements shall apply to all applications for wireless telecommunication facilities:

- a. **Analysis of Co-location Alternatives.**
 1. Existing wireless telecommunications towers are not of sufficient height to meet the applicant's engineering requirements;
 2. Existing wireless telecommunications towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 3. Co-location would result in radio frequency interference with other existing equipment on the wireless telecommunications tower which cannot be reasonably prevented;
 4. Evidence that the owner of the existing wireless telecommunications tower will not to enter into a co-location arrangement; or
 5. Existing wireless telecommunications towers do not provide an acceptable location or requisite coverage for the applicant's communication network.
- b. **Analysis of New Tower Site Alternatives.**

Unless the application is for co-location, the application shall submit certification, supported by evidence, indicating that the proposed new site for a wireless telecommunications tower is an essential location. The applicant's certification shall include a listing of potential sites, a description of each potential site (including ground elevations) and a discussion of the ability or inability of the site to host a telecommunications tower.
- c. **Analysis of Visual Impact.**

The applicant shall submit a pictorial representation, such as a silhouette drawing, photograph, etc. of the proposed wireless telecommunications tower from a point two hundred (200) feet from the facility in each of the four compass directions showing the relationship of the tower against the massing of surrounding structures, trees, and other intervening visual masses.

d. **Co-location Agreement.**

The proposed owner/operator of the tower shall submit an agreement to allow, under commercially reasonable terms, co-location until said tower has reached full antenna capacity, but in no event fewer than two (2) additional antenna platforms for two (2) additional providers unrelated to the owner/operator. Agreement to this provision must also be included in the applicant's lease with the property owner, if different from the owner/operator of the tower.

e. **Abandonment and Removal Agreement.**

The owner or operator of the wireless telecommunication facility shall submit an agreement to notify the Township Zoning Inspector within thirty (30) days of permanently ceasing operation of a permitted facility and to remove a non-functioning facility within six (6) months of ceasing its use. All costs associated with demolition and/or removal of the tower and associated equipment and buildings shall be borne by the most recent tower operator of record unless such costs are the contractual or legal responsibility of another party. If the owner fails to remove a tower in the time provided in this section, the said agreement shall authorize the Zoning Inspector to cause the demolition and removal of the tower and recover the costs of demolition and removal from the applicant and/or property owner. The owner or operator of the wireless telecommunication facility shall provide for a cash or surety bond at the minimum rate of \$100.00 per vertical foot from the natural grade at assure funds are available for the demolition and the removal of the tower if it should become necessary.

4. **Design.**

Wireless telecommunications facilities shall be designed in accordance with the following standards:

- a. Where feasible, all towers shall be of a self-supporting monopole design, as opposed to a lattice or guy wire design.
- b. Except as required by the Federal Aviation Administration (FAA), antennas and towers shall not be illuminated and lighting fixtures or signs shall not be attached to any antenna or tower. Lighting for security purposes shall be permitted only with the prior approval of the Board of Zoning Appeals.
- c. Security fencing eight feet (8') in height shall surround the wireless telecommunication tower and equipment. A metal sign of no greater than four square feet (4') shall be posted on the fence showing the names of companies with facilities at the site and their respective twenty-four (24) hour emergency telephone numbers.
- d. In the event a separate access road is necessary, it shall be constructed of suitable width and road materials as determined by the Board of Zoning Appeals to allow Emergency vehicles year round access to the area and to prevent mud deposits on public roads.
- e. All disturbed areas are to be fine -graded, seeded and mulched upon completion of construction.
- f. All utility lines servicing the wireless telecommunications equipment shall be run underground.
- g. Towers and sites shall be so designed so as to permit co-location by at least two (2) additional providers of telecommunications services.
- h. The minimum lot area for installation of a wireless telecommunications facility shall be five (5) acres.
- i. The minimum distance from any tower and related wireless telecommunications equipment to any property boundary line shall be two hundred feet (200') as measured from the security fence enclosing the wireless telecommunications facilities.

- j. The maximum height of any wireless telecommunication tower shall not exceed two hundred feet (200') as measured from the average ground level at the base of the tower. No equipment building, equipment platform, ice bridge, or other associated equipment facilities shall exceed fifteen feet (15') in height from building grade.
- k. The minimum separation between wireless telecommunications towers shall be one thousand feet (1,000').
- l. No wireless telecommunications tower shall be located less than five hundred feet (500') from an existing residential dwelling.
- m. No residential dwelling shall be located less than three hundred feet (300') from an existing wireless telecommunications tower.

CHAPTER 12

NONCONFORMING USES, STRUCTURES, AND LOTS

Section 1201	PURPOSE.	Section 1205	COMPLETION OF APPROVED CONSTRUCTION.
Section 1202	NONCONFORMING USES.	Section 1206	NONCONFORMING SIGNS.
Section 1203	NONCONFORMING STRUCTURES.		
Section 1204	NONCONFORMING LOTS.		

SECTION 1201 PURPOSE

The purpose of this Article is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Resolution to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

SECTION 1202 NONCONFORMING USES

- A. **Continuance of Lawful Nonconforming Use.**
The lawful use of any building or land existing at the time of this Zoning Resolution or amendments thereto, may be continued, although such use does not conform with the provisions of this Zoning Resolution, subject however to the provisions of this Chapter.
- B. **Discontinuance or Abandonment.**
Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At the end of the two (2) year period of abandonment, the **nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Zoning Resolution.**
- C. **Displacement.**
No nonconforming use shall be extended to displace a conforming use.
- D. **Enlargement of Use.**
A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty percent (20%) more than the original existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner, which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties of community.

SECTION 1203 NONCONFORMING STRUCTURES

- A. **Alterations or Enlargements.**
A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure,

provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

B. Restoration of Damaged Structure.

Nothing in this Zoning Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Zoning Resolution, provided that not more than seventy-five percent (75%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity, and further provided that such replacement or repair occurs within one (1) year of the date of damage. When more than seventy-five percent (75%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with this Zoning Resolution.

C. Repairs and Maintenance.

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

SECTION 1204 NONCONFORMING LOTS

When a nonconforming lot can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Zoning Resolution.

SECTION 1205 COMPLETION OF APPROVED CONSTRUCTION

Nothing in this Zoning Resolution shall prohibit the completion or construction and use of a nonconforming structure for which a Zoning Certificate has been issued prior to the effective date of this Zoning Resolution or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Zoning Resolution and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Zoning Permit.

SECTION 1206 NONCONFORMING SIGNS

Signs which were legally existing prior to the effective date of this Section, but which do not conform with the provisions hereof, may be maintained as a matter of right provided that such signs comply with the current provisions of this Resolution regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a non-conforming sign or any alteration in the size or structure of such sign shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance.

CHAPTER 13

VARIANCES, APPEALS AND INTERPRETATIONS

Section 1301	APPEALS.	Section 1305	ISSUANCE.
Section 1302	NOTICE AND HEARING.	Section 1306	SUPPLEMENTARY CONDITIONS
Section 1303	AREA VARIANCES.		AND SAFEGUARDS.
Section 1304	USE VARIANCES.		

SECTION 1301 APPEALS

- A. Appeals to the Board of Zoning Appeals may be made by any person aggrieved or by any officer of the Township where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Resolution.
- B. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on forms prescribed therefore. Every appeal or application shall refer to the specified provision of this Zoning Resolution, and shall set forth the interpretation that is claimed by the Board of Zoning Appeals, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board of Zoning together with all documents pertaining thereto.
- C. The Board shall decide each appeal within a reasonable time after it is submitted.

SECTION 1302 NOTICE AND HEARING

Upon receipt of an application, the Board of Zoning Appeals shall fix a reasonable time for the public hearing and give at least ten (10) days' notice in writing to the parties in interest. Such written notice of the hearing shall be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the subject site to the address of such owners appearing on the county auditor's current tax list as verified by the Secretary of the Board. Such notice or letter shall indicate the place, time, and subject of the hearing. The Board shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person or by attorney.

SECTION 1303 AREA VARIANCES

Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- A. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
- B. Whether the variance is substantial.

- C. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the variance will adversely affect the delivery of governmental services.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction.
- F. Whether the property owner's predicament can be obviated through some method other than a variance.
- G. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- H. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- I. Whether granting of the variance will be contrary to the general purpose, intent, and objective of the specific use district.
- J. Whether the variance requested arises from a condition or circumstance which is unique to the subject site and which is not generally shared by other properties in the same zoning district or general vicinity.
- K. Whether the practical difficulty is created by the Zoning Code and not by any action or actions of the property owner or the applicant.
- L. Whether the variance desired will adversely affect the public health, safety, or general welfare.
- M. Whether the variance requested is the minimum variance necessary to afford relief to the property owner.

SECTION 1304 USE VARIANCES

Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:

- A. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
- B. Whether the variance is the minimum necessary to afford relief to the property owner.
- C. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- D. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- E. Whether the hardship condition was created by actions of the applicant.
- F. Whether the spirit and intent of this Zoning Resolution will be observed and substantial justice done by granting the variance.
- G. Whether the use requested is similar in character to the permitted uses in the subject district.
- H. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

SECTION 1305 ISSUANCE

A variance shall not be granted unless the Board of Zoning Appeals makes a determination that the criteria contained herein are satisfactorily addressed by the evidence presented by the applicant to establish that a practical difficulty or unnecessary hardship exists and that the granting of a variance will preserve the spirit and intent of this Zoning Resolution and that substantial justice will be done..

SECTION 1306 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution, which shall become stipulations of the variance or appeal. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Zoning Resolution.

CHAPTER 14

AMENDMENTS

Section 1401 APPLICATIONS FOR
AMENDMENTS.

Section 1402 AMENDMENTS GENERALLY.

Section 1403 EFFECT OF AMENDMENTS.

Section 1404 RESUBMISSION OF
AMENDMENTS.

SECTION 1401 APPLICATION FOR AMENDMENTS

Applications for amendment to the Ellsworth Township Zoning Resolution made by property owners shall be made on forms provided and shall be filed with the Township Zoning Inspector.

SECTION 1402 AMENDMENTS GENERALLY

Amendments to the Ellsworth Township Zoning Resolution shall be made pursuant to the provisions and procedures set forth in Section 519.12 of the Ohio Revised Code and any subsequent amendments thereto.

SECTION 1403 EFFECT OF AMENDMENTS

Amendments of this Zoning Resolution shall not affect the prior operation of this Resolution or any prior action taken thereunder. Nor shall any amendment affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder.

SECTION 1404 RESUBMISSION OF AMENDMENTS

No text or map amendment which is disapproved by the Board of Township Trustees shall be resubmitted for substantially the same text provisions or land area for a minimum period of at least one (1) year from the effective date of the action by the Board of Township Trustees.

CHAPTER 15

DEFINITIONS

Section 1501 INTERPRETATIONS OF WORDS
AND TERMS

Section 1502 DEFINITIONS

SECTION A01 INTERPRETATIONS OF WORDS AND TERMS

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 shall include 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, it shall mean calendar days unless specifically stated otherwise.

SECTION A02 DEFINITIONS

The words used in this Resolution are used in their ordinary English usage. For the purpose of this Resolution, the following terms, whenever used in this Resolution, shall have the meaning herein indicated:

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

ACCESSORY BUILDING: A building customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

ADULT FAMILY HOME: A residence licensed according to Chapter 3722 of the Ohio Revised Code to provide accommodations to not more than 5 unrelated adults and which provides supervision and personal services to at least 3 of those adults, where the adults live as a single housekeeping unit and the residence serves as the adults' sole, bona fide permanent residence, but which does not provide nursing care or include residents who require "skilled nursing care" or "intermediate nursing care" and shall not include "homes" and "rest homes" as defined in ORC Chapter 3721.

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 Ohio 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; and 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 or garbage to livestock.

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

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

ALTERATIONS: As applied to a building or structure, means any change or rearrangement in the structural parts or in the exit facilities, or any enlargement in area, increase in height, or relocation.

ANIMAL, WILD OR DANGEROUS: An animal normally found in the wild state, whether or not indigenous to Ellsworth Township, but not including domestic animals or common household pets.

AUTOMOBILE FUELING STATION: A building and land, including pumps and fuel tanks, for the retail sale of automotive fuels to the motoring public. Such facilities may include the retail sales of convenience goods and the sale of food and beverages for carry out or on premises consumption.

AUTOMOBILE REPAIR GARAGE: A building, part of a building, structure or space used for the repair, rebuilding or reconstruction of motor vehicles or parts thereof including collision service, painting, washing and steam cleaning of vehicles.

AUTOMOBILE SERVICE 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.

BASEMENT: A story having more than one-half of its clear height below finished grade.

BUFFER: An area established on a parcel of land 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.

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

BUILDING HEIGHT: 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 gable, hip and gambrel roofs.

BUILDING SETBACK 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.

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

BUSINESS, PRINCIPAL PURPOSE: Forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is greater.

BUSINESS, TEMPORARY: Any place at which goods, wares, merchandise, or services sold or offered for sale, other than from a permanent structure duly approved for such use; and further means roadside stands, tables, or booths at which goods, wares, merchandise, or services are sold or offered for sale or advertised.

CAR WASH: A building or enclosed area that provides facilities for washing and cleaning motor vehicles.

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

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

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, pick-up truck, a stake bodied truck, a trailer, or such similar vehicle used for business purposes.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional Use Permits shall be issued by the Zoning Inspector upon approval by the Board of Zoning Appeals.

DAY CARE, CHILD: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

DAY-CARE HOME, TYPE A FAMILY: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

DAY-CARE HOME, TYPE B FAMILY: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to three (3) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

DEVELOPMENT / SITE PLAN: A detailed drawing conforming with the requirements of Chapter 4 hereof that shows the existing conditions and proposed improvements on a particular piece of property.

DRIVEWAY: A hard surfaced access route that leads from a public thoroughfare to a dwelling unit, garage or parking area.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Automobile Fueling Station, Automobile Repair Garage, and Automobile Service Station.

DWELLING, MULTI-FAMILY (R3): A building consisting of three (3) but not more than four (4) dwelling units with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY ATTACHED (R2): A building containing a maximum of two (2) dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

DWELLING, SINGLE-FAMILY DETACHED (R1): A free-standing building designed for or used exclusively for residence purposes by a single housekeeping unit.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for an individual or group of individuals living together as a single housekeeping unit, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathing, toilet, and sleeping facilities.

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

FAMILY: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, excluding however, both for-profit and non-profit group homes, halfway houses, drug and substance abuse treatment facilities, and other rehabilitation or residential, multiple person treatment facility, unless specifically exempted from zoning regulations and restrictions by the Ohio Revised Code or Federal Housing Laws.

FARM MARKET/ROADSIDE STAND: A temporary vehicle or temporary stand without foundation used for the sale of agricultural products where fifty percent or more of the gross income received from the market is derived from produce or other agricultural products raised on farms owned or operated by the market operator in a normal crop year and in accordance with Ohio Revised Code 519.21.

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.

FLOOR AREA, LIVABLE: The sum of the net areas customarily used as living space. The following are excluded from the calculation of the livable floor area of a dwelling: basements, non-habitable attics, garages, and unenclosed spaces such as covered exterior steps, porches and breeze ways.

FUNERAL HOME/CREMATORIUM: 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 or cremation; (b) the performance of autopsies and other surgical procedures on the dead; (c) the storage of caskets, funeral urns and other related funeral supplies; and (d) the storage of funeral vehicles.

GARAGE, PRIVATE: A detached accessory building or portion of the principal building for the parking or temporary storage of automobiles, boats, and/or trailers of the occupants of the premises.

GROUP RESIDENTIAL FACILITY, CLASS I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. Class I Type A Group Residential Facility contains six (6) or more residents; exclusive of staff Class I Type B Group Residential Facility contains five (5) or less residents, exclusive of staff.

HOME BASED BUSINESS: A business conducted out of a home where the actual service provided occurs off the premises of the home. Examples including contractors such as electricians, plumbers, and landscapers.

HOME OCCUPATION: An accessory use conducted entirely within a dwelling unit and/or its accessory building and carried on by persons residing in the dwelling unit, which use is clearly incidental and subordinate in area, extent, and purpose to the dwelling unit, and shall not change the appearance of the structure and/or property.

HOTEL/MOTEL: A building in which short term or semi-permanent lodging is provided on a daily rate basis and is offered to the public for compensation.

INJECTION WELL: A device that places fluid deep underground into porous rock formations or into or below the shallow soil layer. The fluid may be water, wastewater, brine (salt water), or water mixed with chemicals.

JUNK: Dismantled or wrecked automobiles or parts; inoperable vehicles; discarded equipment, old scrap copper, tin, zinc, aluminum, brass, iron, steel or other metal; rope, rags, batteries, paper, glass, rubber, plastic and other waste scrap, discarded and/or re-usable materials that have been abandoned or are not properly stored.

KENNEL / ANIMAL SHELTER: Any lot, on which domesticated animals, other than those owned by the owner are housed, groomed, bred, trained, or sold.

LOT: A parcel of land occupied by, or which may be occupied by, a building and accessory buildings and including the yards and other open spaces required by this Zoning Resolution.

LOT AREA: The area within the lot lines of a lot measured on a horizontal plane and computed exclusive of any portion of the right-of-way.

LOT, CORNER: A lot abutting two or more streets at their intersection, provided that the right-of-way of the streets do not form an interior angle of greater than 135 degrees. (See Illustration Section 606)

LOT COVERAGE: The land area covered by all buildings and structures on the lot.

LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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 frontage reservation of a minimum of sixty (60) feet in width also referred to as the "staff". (See Illustration Section 606).

LOT FRONTAGE: Contiguous length of the front lot line measured at the street right-of-way line.

LOT LINE: A boundary line dividing one lot from another.

LOT VISIBILITY TRIANGLE: The area at a street intersection measured 25 feet from the intersection in either direction along the right-of-way line within which nothing shall be planted in order to keep the area clear of obstructions that may limit or prohibit the view of oncoming traffic (See Section 606).

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to the depth of the lot along a straight line parallel to the front lot line at the minimum required setback line.

MANUFACTURED HOME / MOBILE 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. Manufactured homes are often referred to as mobile homes or trailers. Manufactured homes or mobile homes are not modular homes and are not single family dwellings for purposes of compliance with the provisions of Section 602 of this Zoning Resolution.

MANUFACTURING: Activities including assembling component parts in manufactured products; mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, other forms of energy; the blending of new materials; and the packaging of materials.

MODULAR HOME / INDUSTRIALIZED UNIT: A building unit or assembly that is built in sections at a factory and constructed so as to conform, to all state, local and regional building codes at its destination. Sections of such home are transported to the building site on trucks and then joined together by contractors at the site. Modular homes are subject to the same building inspection requirements as a traditionally built home. Modular homes are also referred to as industrialized units. Modular home does not include manufactured homes or mobile homes as herein defined. Modular homes or industrialized units that comply with the "Residential Code of Ohio for One, Two, and Three Family Dwellings" shall be permitted as single family dwellings for purposes of compliance with Section 602 hereof.

NONCONFORMING LOT: A lot which does not conform with the lot area, lot width, lot depth or other area requirements of the district in which it is located.

NONCONFORMING STRUCTURE: A structure which does not conform with the requirements for height, floor area, yard, or other requirements applicable to a structure in the district in which it is located.

NONCONFORMING USE: A use legally existing at the time of the enactment of this Zoning Resolution that does not conform to the current use regulations of the district in which it is located.

OCCUPANCY PERMIT: A document issued by the Zoning Inspector confirming that the use of all or part of a building, structure, or parcel of land is in compliance with the provisions of this Zoning Resolution and all other pertinent Codes.

OUTDOOR STORAGE: The permanent, temporary or periodic use of a yard for the purpose of storing goods, equipment, vehicles, waste materials, or other matter used or produced by a business enterprise, except the storage of vehicles used in the conduct of the business or the vehicles of employees or customers.

PARKING SPACE: Area of not less than 200 square feet, exclusive of access drives and aisles, usable for the storage or parking of passenger vehicles or commercial vehicles under two (2) ton capacity.

PERMITTED USE: A use permitted in a district "by right", that is, without special review or approval (except in some cases, site plan review) provided that it complies with all applicable provisions of this Zoning Resolution.

PERSONAL SERVICE: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

PLACE OF WORSHIP: A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar belief or for conducting formal religious services by a religious congregation on a regular basis.

PLANNED UNIT DEVELOPMENT (PUD): A development in which lot size, yard areas and building placement may be varied to create a harmonious blend of residential and/or business/commercial uses and providing for open space and common areas within the development.

PLAT: An officially recorded map, plan or layout of the township, section, or subdivision, indicating the location and boundaries of individual properties.

RECREATIONAL FACILITIES: Uses such as country clubs, golf courses or other private recreation areas or facilities or recreation centers including private community swimming pools.

RECREATIONAL VEHICLE: Any self-propelled or non-self-propelled vehicle or trailer, which can be used as living quarters and used or so constructed as to permit its being used as a conveyance upon the public streets and highways, and having all necessary current licenses or permits and being in road-worthy conditions for such a conveyance.

RIGHT-OF-WAY: All of the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes.

SATELLITE 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.

SCHOOL: Any school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the State Board of Education and any private or parochial school certified by the Ohio Department of Education which offers state approved courses of instruction.

SCHOOL, COMMERCIAL: A higher education facility primarily teaching useable skills that prepare students for jobs in a trade or business.

SET BACK: The minimum horizontal distance between the street line or front lot line and the front wall of any building, excluding steps, open porches, and overhanging eaves and cornices on the first story which do not extend more than ten (10) feet beyond the front wall of the building.

SEXUALLY ORIENTED BUSINESS / ADULT ENTERTAINMENT: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center. 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 areas" and still be categorized as **ADULT**

BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an **ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- **ADULT ARCADE:** Any place to which the public is permitted or invited where either or both (1) motion picture machines, projectors, video or laser disc players, or (2) other video or image producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- **ADULT CABARET:** A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that regularly features: (1) Persons who appear in a state of nudity or semi-nudity; (2) Live entertainment characterized by the exposure of "specified anatomical areas" or the depiction or description of "specified sexual activities"; or (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specific sexual activities" or "specific anatomical areas".
- **ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- **ADULT THEATER:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- **COVERING:** Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- **ADULT ESTABLISHMENT:** Includes any of the following:
 - (1) The opening or commencement of any Sexually Oriented Business as a new business;
 - (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
 - (3) The additions of any Sexually Oriented Business to any other existing Sexually Oriented Business;
 - (4) The relocation of any Sexually Oriented Business.

- **NUDE MODEL STUDIO:** A place where a person who appears nude, semi-nude or who displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- **NUDE MODEL STUDIO** shall not include:
 - (1) A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
 - (2) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
 - (3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
- **NUDITY or a STATE OF NUDITY or NUDE:** Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernible turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- **SEMI-NUDITY or SEMI-NUDE CONDITION or SEMI-NUDE:** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- **SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- **SPECIFIED ANATOMICAL AREAS:** (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- **SPECIFIED SEXUAL ACTIVITIES:** (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy, or (3) Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.
- **SUBSTANTIAL ENLARGEMENT:** Sexually Oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes effect.

SIGN: A structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.

SIGN, DIRECTIONAL: A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move on a parcel for the purpose of traffic control and public safety.

SIGN, FREE-STANDING: A sign erected on a free-standing wall or monument not attached to a building with a solid continuous foundation.

SIGN, NON-CONFORMING: A sign which was legally existing prior to the effective date of this Resolution, but which does not conform to the requirements set forth herein.

SIGN, ROADSIDE STAND: A sign used to advertise a seasonal agricultural product grown on the premises and is a temporary sign. (See Section 610.D).

SIGN, TEMPORARY: A sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.

SIGN, WALL: A sign erected on, attached to, or painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

SIGN, WINDOW: A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.

SIMILAR USE: A use which is not listed as a permitted use or a conditionally permitted use for a district, but which is found to be sufficiently similar to other uses permitted in the district and otherwise compatible with the district and which is approved as a conditionally permitted use by the Board of Zoning Appeals.

SMALL WIND PROJECT: Any wind project less than 5 Megawatts (MW), which includes the wind turbine generator and anemometer.

STREET, PRIVATE: An area of land which affords principle means of access to abutting property, but which has not been dedicated to the Township, County, State of Ohio, or federal government and meets the standards and specifications of the Mahoning County Subdivision Regulations.

STREET, PUBLIC: An area of land which has been accepted and dedicated or deeded to the Township, County, State of Ohio, or federal government and which has been accepted by Township Trustees for public use for vehicular travel which affords principle means of access to abutting property.

STREET LINE: The dividing line between the street and abutting property.

STRUCTURE: Anything constructed or erected on the ground, or attached to something having a permanent location on the ground, including but not limited to buildings, carports, signs, swimming pools, fences, or walls, but not including minor post-type structures such as flag poles and basketball hoops.

SWIMMING POOL, PRIVATE: A swimming pool exclusively used without paying an additional charge for admission by residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel.

SWIMMING POOL, PUBLIC: A swimming pool open to the general public or one operated with a charge for admission.

TELECOMMUNICATIONS: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

- **CO-LOCATION:** The use of a wireless telecommunications facility by more than one (1) wireless telecommunications provider or by one (1) provider for more than one (1) type of telecommunications.
- **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.
- **MONOPOLE:** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to the foundation.
- **WIRELESS TELECOMMUNICATIONS ANTENNA:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- **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.
- **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.

USE: The principal purpose for which a lot, and/or the principal building thereon, is designed, arranged, or intended and for which it may be used, occupied or maintained.

VARIANCE: As authorized by this Zoning Resolution, a grant by the Board of Zoning Appeals permitting use of property in a manner not wholly in accordance with the provisions of this Zoning Resolution as a means of resolving practical difficulty or unnecessary hardship.

WELL: Any borehole, whether drilled or bored, within the state, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

YARD: The open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from ground upward, except as otherwise provided herein.

YARD, FRONT: A yard extending across the full width of a lot and being the perpendicular distance between the front lot line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, REAR: A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portion of any building or structure existing or proposed for construction on said lot.

YARD, SIDE: A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the rear yard.

ZONING DISTRICT: The area within which only certain uses of land and buildings are permitted; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being uniform throughout the zone in which they apply.

ZONING INSPECTOR: The designated Zoning Inspector of Ellsworth Township or an authorized representative of the Zoning Inspector.

ZONING MAP: The "OFFICIAL ZONING MAP OF ELLSWORTH TOWNSHIP, MAHONING COUNTY, OHIO."

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, or the arrangement of uses and structures in conformance with the provisions of this Zoning Resolution.

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