

ZONING ORDINANCE

Ellsworth Township
Mahoning County, Ohio

Approved at General Election

November 4, 1969

REVISED UNDER SECTION 519.12, O.R.C.
JANUARY 4 AND JUNE 7, 1973
APRIL 19, 1974 AND JULY 1980
AND APRIL 1, 1997 AND
SEPTEMBER 14, 1999

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.

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APPROVED AT 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 AND JULY 1980
AND APRIL 1, 1997 AND
SEPTEMBER 14, 1999

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.

SECTION I - SHORT TITLE

These regulations shall be known and may be cited as the "Zoning Ordinance of the Township of Ellsworth."

SECTION II DEFINITIONS

For the purpose of interpreting this ordinance, the following definitions shall control.

Words used in the present tense include the future tense.

The singular number includes the plural, and vice versa.

The word "person" includes a corporation, firm, partnership, or association of persons, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

***Abandoned Motor Vehicle:** Any motor vehicle or accessory to same which is dismantled or stored in a yard area, and which does not have a current valid license thereon.

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

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

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

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 a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending front and rear on a side or by increasing in height, or the moving from one location or position to another.

***Attic:** An unfinished area between the ceiling of the top finished floor area and the roof of the structure.

***Bed and Breakfast:** Means an owner-occupied residential structure which provides for bed and breakfast accommodations.

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

Building: Any permanent or stationary structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property. At no time shall this definition be construed to include mobile homes.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, if enclosed, but does not include the steps.

Building, Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard; and the mean height between eaves and ridges for gable, hip and gambrel roofs.

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

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

***Cellar:** A story partly underground and having more than fifty percent of its clear height below the average level of the adjoining ground. A cellar shall not be considered a story for the purpose of height measurement, or in determining the permissible number of stories or in computing floor area or living area.

***Commercial Vehicle:** Any vehicle utilized in a business or profit making venture designed to carry materials and /or personnel, such as but not limited to a van, pickup truck, 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. Permit for said use to be issued by the Zoning Inspector approved by the Board of Zoning Appeals.

***Corner Lot:** A lot fronting on two (2) streets at their intersection.

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

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

Dwelling: A building designed or used exclusively as the living quarters for one or more families.

Dwelling Unit: A dwelling or portion thereof providing complete living facilities for one family.

Dwelling, One Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two Family: A building designed for, or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multiple: Any building under a single roof, with or without firewall partitions, designed for occupancy by or occupied by three (3), but not more than six (6) households living as families.

***Effective Date**: The date that these resolutions or any subsequent revisions take effect.

Family: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit.

***Fence**: An enclosure, barrier or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular zone lot.

***Garage, Private**: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

Home Occupation: An occupation for gain or support conducted by a person residing on the premises, within the dwelling or other permitted accessory building, provided that no article is sold or offered for sale except such as is produced on such premises.

Hotel: A building containing rooms which are used, rented or hired out to guests for sleeping purposes, and where only a general kitchen and dining room are provided within the building or in an accessory building.

***House Trailer/Mobile Home**: Any self-propelled or non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations other than such vehicles which may be defined as recreational vehicles.

Junk Yard: Any concentration of one (1) or more used motor vehicles not displaying a current motor vehicle license, parked or stored primarily for the purpose of collecting worn-out inoperative parts, dismantling and selling same; or the collection and storage of other old machinery and various types of metal.

Kennel: Any lot or premises on which four (4) or more dogs or other small animals more than four (4) months of age are kept.

Lot: Means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and customary accessory buildings and open spaces belonging to the same.

Lot Depth of: The average horizontal distance between the front and rear lot lines.

Lot Frontage of: The horizontal or curvilinear distance along the street line upon which a lot fronts.

Lot Width of: The horizontal distance between the side lot lines at the building set-back line.

Lot Lines: A boundary line dividing one lot from another.

***Manufactured Homes:** a factory built single family structure that is manufactured under the authority of 42 USC Sec 5401, The National Home Construction and Safety Standards Act, is transportable in two (2) or more sections is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

***Modular Housing:** An assembly of materials or products comprising all or part of a total residential structure which, when constructed is self sufficient, or substantially self-sufficient, containing plumbing, wiring and heating at the point of manufacture, and which, when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

Motel: A building with or without party walls, or any group of buildings, used primarily for sheltering of transients and permanent dwellers, and any accessory uses, such as feeding, parking, selling of soft drinks and notions.

***Non-Conforming Use:** Any building or land lawfully occupied by a use on the effective date of these resolutions or any amendment or supplement thereto, which does not conform to the use resolutions of the district in which it is situated.

Open Space: An unoccupied space open to the sky on the same lot with building.

Parking Space: The area required for parking of an automobile, which in the Ordinance is held to be an area ten (10) feet wide and twenty (20) feet long, which does not include access space.

***Planned Unit Development (PUD):** a development in which lot side, 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.

Plat: A map, plan or layout of a city, town, section, or subdivision, indicating the location and boundaries of individual properties, same having been officially recorded.

***Professional Offices:** Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners and similar professions.

***Property Maintenance:** A state of repair and cleanliness consistent with that of neighboring 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 a 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 licences or permits and being in roadworthy condition for such use as a conveyance.

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

Refuse: Discarded or waste materials such as dirt, ashes, masonry, tin cans, bottles, wood, paper and other similar items which do not however, contain garbage or other food stuffs in any form.

Sanitary Land Fill: Systematic and orderly placing of refuse and garbage on the surface of the ground or in excavations, with covering of earth and proper compaction.

Set Back: The minimum horizontal distance between the street line and the front line of the 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.

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

Spoil Bank: Deposit of earth and other material after their removal from their natural state in the process of strip mining.

Story: That portion of a building included between the surface of any floor and the surface of the floor next to it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Street: A public thoroughfare.

***Street, Cul-de-sac:** a local street of relatively short length, with one end open to traffic and the other end terminating in a vehicular turn around.

***Street, Line:** The dividing line between the street and abutting property.

***Street, Private:** A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to the public easements.

Strip Mining: All or any part of the process followed in the removing of minerals, coal, peat, sand, gravel, clay, shale, limestone, or sandstone from their natural deposits by means of open excavation.

***Structure:** An assembly of materials which form a construction for occupancy or use, including, but not limited to buildings, structures, tents, platforms, stages, observation towers, radio, television and telephone towers, water storage tanks, trestles, piers, open sheds, shelters, fences, display signs and the like, which shall be construed to mean the whole or parts thereof.

***Structure, Alterations:** Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

***Structure, Temporary:** Structures of a temporary nature erected for a period not to exceed twelve months for such uses as construction offices or storage buildings at a construction site.

***Swimming Pool, Private :** Exclusively used without paying an additional charge for admission by the residents, and their guests.

***Swimming Pool, Public:** Operated with a charge for admission, a primary use.

Tourist Home: A dwelling in which overnight accommodations are provided or offered for not more than ten (10) transient guests, for compensation.

***Variance:** An adjustment, where, due to some peculiar conditions or circumstances applying to a particular lot, piece or parcel of land or a building or structure located or proposed to be located thereon, where the literal application of the provisions of this would result in undue hardship.

Yard, Front: An open space on the same lot with a principal building, extending the full width of the lot and situated between the ** rear line of the principal building projected to the side lines of the lot.*

Yard, Rear: An open space on the same lot with the principal building, extending the full width of the lot and situated between the rear line of the principal building projected to the side lines of the lot.

Yard, Side: An open, unoccupied space on the lot occupied by a building, extending for the full length of the building between the building and side lot lines.

***Zoning Map:** The "Zoning Map of Ellsworth Township, Mahoning County, Ohio"

***Zoning Permit:** The document issued by the Township Zoning Inspector authorizing the various uses in accordance with the Zoning Resolution.

SECTION III ESTABLISHMENT OF DISTRICTS

For the purposes set forth in the Preamble to this ordinance the land area within the unincorporated area of Ellsworth Township is hereby divided into the following classes of districts:

1. Agricultural Districts
2. Residential R-1 Districts
3. Residential R-2 Districts
4. Residential R-3 Districts
5. Residential R-4 Districts
6. Business B-1 Districts
7. Business B-2 Districts
8. Industrial Districts
9. Water Reservoir Districts

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

Where uncertainty exists with respect to the boundaries of any district as is shown on the Zoning map, the following rules shall apply:

- A. Where a district boundary is shown to approximately follow a lot line, such lot line shall be construed to be the district boundary line.
- B. Where a district boundary line is shown on the Zoning Map to approximately parallel the center line or street line of a street, or the center line or right-of-way line of a highway, such district boundary line shall be construed as being parallel thereto.
- C. If no measurements are shown on the Zoning Map, measurements shall be determined by the use of the scale shown on the map to the nearest fifty (50) feet.
- D. Where the boundary line of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the low water line.
- E. Except when otherwise indicated by dimensions of fixed boundaries shown on the Zoning Map, the depth of residential and the depth of business districts fronting on streets or highways is established, for the purpose of this Ordinance, at three hundred (300) feet and five hundred (500) feet respectively, measured from the center line of said street or highway.

SECTION IV APPLICATION OF REGULATIONS

A. Buildings or land shall hereafter be used or occupied in conformance with the provision of this Ordinance... Any building or structure or part thereof erected, moved, altered, restore, or reconstructed shall hereafter be 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 Ordinance in regard to the number of families accommodated, area of lot occupied, size of front, rear and side yards. Any part of a yard or other open space required around any building for the purpose of complying with the provision of this Ordinance, shall not be included as a part of a yard or other open space similarly required for another building.

C. DISTRICT CHANGES: Whenever a boundary line of a district is changed by Amendment of this Ordinance 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 building, structures, and uses in the area so transferred.

D. Any building, structures or uses, other than farm buildings and Residential R-1 permitted building, structures and uses, will require a meeting of the Ellsworth Township Zoning Commission, before a permit will be issued by the Zoning Inspector.

SECTION V AGRICULTURAL DISTRICTS

In accordance with Section 519.21, ORC, nothing in the following provisions or in the entire Ordinance shall prevent the use of land for agricultural purposes, or the construction or use of buildings or structures incident to such agricultural uses. For the purpose of this Ordinance, "Agricultural" shall include agriculture, dairying, farming, pasturage, apiculture, horticulture, viticulture, and animal and poultry husbandry. **In "Agricultural Districts" all parcels of land less than five (5) acres in area, shall be classified as residential and subject to Residential R-1 regulations.*

*A. Permitted buildings, Structures and uses in Agricultural Districts.

1. The principal permitted Residential R-1 single family dwellings for which a zoning permit is required; the usual agricultural dwellings, buildings and structures for which a permit, at no cost is required.
2. The growing and selling, either at retail or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agriculture.
3. Churches and parish houses, schools and educational institutions (both public and private), publicly owned and operated buildings and facilities.
4. Cemeteries, provided that no mausoleum or crematory shall be located less than two hundred (200) feet from adjacent property and/or street lines, and that any new cemetery shall consist of a minimum of twenty (20) acres.
5. Signs, subject to compliance with Section XIV-Supplementary Regulations.
6. A land owner in an agricultural area may use roadside stands offering for sale farm products, providing that ample off-the-highway parking is provided.
- *7. Gas and/or Oil Wells are permitted subject to the following regulations for the health, safety, and welfare of Ellsworth Township.
 - (a) The Owner of the well must hold a valid permit for the well from the Division of Oil and Gas, State of Ohio Department of Natural Resources.
 - (b) A Zoning Permit is not required but the State permit holder shall post a bond of five thousand dollars (\$5,000.00) per well to insure restoration of the affected township road to the condition existing before drilling.

- (c) Prior to drilling the well, the drilling company shall install double pit liners, each being a minimum 5 mils thickness. The double liners shall be installed in all pits used to confine drilling fluids from the well and at no time shall the holding pit contain more than two-thirds (2/3) of the amount of fluid the pit is capable of holding. When the pit obtains a fluid level of two-thirds (2/3) capacity the fluid shall be removed and disposed of in the designed manner.
- (d) A copy of the brine disposal plan shall be filed with the Ellsworth Township Zoning Inspector.
- (e) There shall be no above ground equipment or storage tanks closer than seventy five feet (75') from any public right-of-way, fifty feet (50') to any property line, two hundred feet (200') to any residence structure, or five hundred (500') to any potable water well.
- (f) All storage tanks and other apparatus shall be enclosed with a six foot (6') chain link fence. All gates shall be locked.
- (g) Access roads shall be at least twelve feet (12') wide and hard surfaced to prevent mud and debris from being tracked to adjoining roads. A metal gate with a minimum width of twelve feet (12') shall be installed at the street line and locked.
- (h) After the drilling and fracturing stages are completed, the site shall be graded and landscaped to closely resemble the pre-existing condition of the site.
- (i) The operator shall maintain the appearance of all equipment and keep all fences in good repair. Failure to do so shall constitute a violation of these resolutions.

- 8. Customary home occupations such as millinery, dress making and hairdressing.
- 9. Office or studio of a physician or surgeon, dentist, artist, musician, lawyer, engineer, architect, teacher, real estate agent, or other like professional person residing on the premises.

B. Areas and Frontage

- 1. Any building other than a roadside stand shall be provided with a minimum set-back as specified in #2 below.
- 2. When a Residence is erected or placed upon land in an agricultural district, the lot on which it is placed or erected shall not be less than * *thirty-two thousand six hundred seventy (32,670) square feet in area*, exclusive of roadway, shall front not less than one hundred (100) feet on a public street or road, and shall have a set-back of fifty (50) feet from said road right-of-way; provided, however, that such set-back line is a minimum of seventy-five (75) feet from the road center line wherever the road right-of-way is less than fifty (50) feet.

C. Yard, Height Restrictions

1. In agricultural districts, all parcels of land five (5) acres or less in area, and having more than seventy percent (70%) of their area not actively used for agricultural purposes, and all lots of one and one-half (1½) acres or less in area shall be classified as residential and subject to the R-1 district regulations, including the obtaining of a building permit.
2. There shall be no limit on the height of non-residential structures except that for each foot the height of such a structure exceeds twenty-five (25) feet, the width of each side yard shall be increased by one (1) foot over the minimum side yard of ten (10) feet.
3. When any land to be devoted to such as churches, schools, and educational institutions, publicly owned and operated buildings, public parks and playgrounds, private non-commercial recreation areas, or uses of a similar nature, permit therefore shall be secured from the Board of Zoning Appeals and said Board shall determine the minimum area of land as well as appropriate set-back regulations to be required. Such restrictions shall not be less than residential requirements and shall conform to applicable County Board of Health or other county and state regulations for such uses.

SECTION VI. RESIDENTIAL R-1 DISTRICTS

***A. Permitted Buildings, Structures, and uses in Residential R-1 Districts:**

***** After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted.

1. One (1) single family dwelling with an attached private garage and/or detached private garage, and accessory buildings exclusive of house trailer/mobile homes, which are strictly prohibited.
2. Home occupations, as an accessory use, shall be permitted in Residential Districts under the following conditions and requirements:
 - * (a) The accessory use shall be such as the office or studio of a physician, surgeon, dentist, musician, lawyer, architect, teacher, real estate agent, insurance agent, hairdresser or seamstress;
 - (b) The use shall be conducted solely by a person residing on the premises;
 - (c) Shall be a personal service with no sale of merchandise and there shall be no change in the appearance of the structure and/or property which would alter or detract from the residential atmosphere of the neighborhood;
 - (d) Shall be conducted wholly within the dwelling and not occupy a floor area greater than one-half of the area of the first floor of the liveable area of the dwelling;
 - (e) If the accessory use involves teaching or instructions it is restricted to private instructions; classes not permitted;

- (f) There shall be no commercial display visible from the street except a small professional name plate or announcement sign having a maximum area of four (4) square feet and affixed to dwelling;
- (g) Off street parking shall be provided for all vehicles;

B. Set-Back Line

- 1. If there are one or more pre-existing single family residence dwelling on adjacent lots within one hundred and fifty (150) feet in either direction along the street line from a proposed single family dwelling or other structure, such proposed dwelling or structure shall be set back from the street line the average distance of the set backs of the pre-existing residential dwellings. However, no provision of this paragraph shall be construed to require a set back greater than fifty (50) feet from the street line.
- 2. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a set-back line of not less than fifty (50) feet from the road right-of-way line as shown on the Mahoning County Major Thorofare Plan shall be observed; provided, however, that such set-back line is a minimum of seventy-five (75) feet from the road center line wherever the road right-of-way is less than fifty (50) feet.

C. Area, Frontage and Lot width

- *1. No new lot shall have an area less than thirty-two thousand six hundred seventy (32,670) square feet, nor a lot width less than one hundred twenty-five (125) feet of street frontage, except that nothing in this Ordinance shall prevent the use for single family residential purposes a lot platted prior to the time of enactment of this Ordinance; however, the front yard, rear yard and side yard requirements as stipulated under this Section shall be met unless proper application for a variation of these requirements is made to the Township Board of Appeals that such variation is warranted and should, therefore, be granted.
- 2. New lots located on cul-de-sacs and curvilinear streets shall have a minimum lot width at the building line of ** one hundred twenty-five (125) feet*, however, such lots shall have a street frontage of not less than sixty (60) feet and a rear lot line of not less than thirty (30) feet.

D. Side yards

- 1. There shall be two (2) yards with a total width of not less than twenty-four (24) feet. The width of the narrowest of the two side yards shall not be less than ten (10) feet, except that, when a lot platted prior to the time of enactment of this Ordinance is less than sixty (60) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot of difference to a total width of not less than sixteen (16) feet.
- 2. In the case of a corner lot, any building other than a detached garage or other outbuilding may not be placed to within twenty (20) feet of the side street.

E. Rear yards

1. There shall be a rear yard not less than forty (40) feet deep.

F. Height

1. Dwellings shall not exceed thirty-five (35) feet in height. There shall be no limit on the height of non-residential structures except that for each foot the height of such a structure exceeds thirty-five (35) feet, the total width of the two side yards shall be increased by two (2) feet. No living quarters shall be placed in a basement or in any other room or space having less than six (6) feet of ceiling clearance above the average ground level.

G. Single family dwellings, minimum floor area R-1 size

1. No dwelling shall have a livable area which totals less than:

**1200 sq. Ft. -- one story plan
600 sq. Ft. -- per floor for two story plan
900 sq. Ft. -- ground floor of story and a half (1 1/2)
1200 sq. Ft. -- split level (total living area on upper levels)*

The foregoing are exclusively of open and screened porches.

2. **ONLY ONE PRINCIPAL BUILDING SHALL BE PLACED ON ANY LOT.**

H. Private garages and other outbuildings:

1. Garage and other outbuildings shall not be placed closer to the street line than the front building line, nor closer to a side or rear property line than six (6) feet, nor nearer to a side street line than a distance equal to half (1/2) the width of the lot up to a distance that need not exceed fifty (50) feet.
2. The above, however, shall not prevent the building of a common or a joint garage on lots adjoining at the side or prevent the construction of a garage as a structural part of a dwelling; and a garage so constructed, provided it has no window openings at the side, may be located as close as six (6) feet to a side lot line.
3. Space in a private garage may be used for not more than one commercial vehicle providing it requires no more space than is required for an ordinary passenger vehicle, and space may be rented for not more than two (2) passenger vehicles of other than occupants of the building to which garage is accessory.

***I. Property Maintenance:**

- *1. Owners shall keep their properties in a state of repair and cleanliness consistent with that of neighboring properties.

***J. Cell tower regulations: (adopted September 14, 1999. pgs. 42, 43, 44, 45, 46, 47)**

SECTION VII. RESIDENTIAL R-2 DISTRICTS

A. Permitted Buildings, Structures and uses in Residential R-2 Districts:

*After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted.

- *1. All buildings, structures and uses permitted in Residential R-1 Districts.
- *2. One (1) two family dwelling, with an attached garage and/or one (1) detached private garage, and accessory buildings, exclusive of house trailers/mobile homes which are strictly prohibited.
- *B. **Minimum Floor Area:**
 - *1. No single family dwelling shall have a livable floor area which totals less than the Residential R-1 requirements.
 - *2. No two family dwelling unit shall have a livable ground floor area which totals less than:
 - 800 sq. ft. - one story plan
 - 550 sq. ft. - per floor for two (2) story plan
 - 700 sq. ft. - ground floor area of a story and half (1 1/2) planThe foregoing are exclusive of open or screened porches.
 - *3. Only one principal building shall be placed on any lot.
- C. **Set Back Line**
 - 1. Set back line requirements shall be the same as for Residential R-1 Districts.
- D. **Area and Frontage**
 - 1. Where public water and sanitary sewer facilities are not available, no new lot shall have an area less than ** thirty two thousand six hundred seventy (32,670)* square feet, and a frontage less than one hundred twenty-five (125) feet, except that nothing in this Ordinance shall prevent the use for residential purposes of a lot platted prior to the time of enactment of this Ordinance, providing the front yard, rear yard and side yard requirements are met.
- E. **Side Yards**
 - 1. There shall be two (2) yards with a total width of not less than twenty (20) feet. The width of the narrowest of the two side yards shall not be less than ten (10) feet, except that when a lot platted prior to the time of enactment of this Ordinance is less than fifty (50) feet wide, the total width of the two side yards may be reduced by six (6) inches for each foot difference to a total width not less than ten (10) feet. Additional side yard requirements for two family and multiple family dwellings shall be that for each family additional to one to be accommodated in a dwelling, the total width of the two side yards shall be increased by four (4) feet.
 - 2. In the case of a corner lot, any building other than a detached garage or other outbuilding may not be placed to within twenty (20) feet of the street.

F. Rear Yards

1. Rear yard requirements shall be the same as for Residential R-1 Districts.

G. Height

1. Height requirements shall be the same as for Residential R-1 Districts.

H. Private Garages and Other Outbuildings

1. Private garage and other outbuildings requirements shall be the same as for Residential R-1 Districts.
2. In addition, for two-family dwellings, a garage or parking space shall be provided on the same lot with the dwelling to park at least two (2) cars for each dwelling unit.

SECTION VIII. RESIDENTIAL R-3 DISTRICTS

A. Permitted buildings, structures, and uses in residential R-3 Districts:

After obtaining a valid zoning certificate in accordance with the provisions of this regulations, the following uses are permitted.

1. Multiple family dwellings.
2. Multiple family dwellings without limit as to the number of dwelling units within a unified development on a property with a land area of not less than five (5) acres or on a property bounded on all sides by streets or park or other permanent open spaces provided:
 - A. The height of a structure shall not exceed three (3) stories or thirty-five (35) feet.
 - B. The coverage of the land area, exclusive of garages and accessory buildings, shall not exceed thirteen per cent (13%).
 - C. The density of dwelling units shall not exceed *twelve (12) unit per acre.
 - D. There shall be a side yard width of not less than thirty-five (35) feet in relation to any side lines of any adjoining property or properties, which side yard shall be unoccupied and unobstructed by buildings, except garages, which shall not be placed closer to a front street line than sixty-five feet.
 - E. No garage or other outbuilding shall be placed closer than five (5) feet to any property line.
 - F. Parking space or garage shall be provided in the rear or side yard extending from the front set-back of the same building to the rear lot line, and on the same unified development, to park at least two (2) cars for each dwelling unit. Each parking space to be at least two hundred (200) square feet in area, exclusive of access thereto.

B. Yard, Area and Height Provisions:

1. **Front Yards:** No building shall be erected or required parking area shall be permitted within fifty (50) feet from the front property line. In case of a corner lot, either street may be taken as the front line and any building may be placed to within sixteen (16) feet of the side yard line.
2. **Rear Yards:** There shall be a rear yard of not less than forty (40) feet in depth.
3. **Side Yards:** For dwellings up to and including six (6) families there shall be two (2) yards with a total width of not less than sixteen (16) feet for a single dwelling; for two family and multiple family dwellings for no more than six (6) families, additional side yard requirements shall be that for each family additional to one to be accommodated in a dwelling, the total width of the narrowest of the two side yards shall not be less than five (5) feet. For multiple family dwellings in excess of six families, there shall be two side yards, each having a minimum width of twenty-five (25) feet.
4. **Area and Frontage:** No lot shall have an area less than **eleven thousand two hundred fifty (11,250)* square feet for one or two families, not less than sixteen thousand (16,000) square feet for three or four family units; and no less than eighteen thousand (18,000) square feet for five or six family units. For multiple family dwellings in excess of six (6) families, no lot area shall be less than one acre. Each lot shall have a frontage of at least **seventy-five (75) feet* at the building line and no less than **fifty (50) feet* at the front property line, and a depth **of no less than one hundred fifty (150) feet*.
5. **Minimum floor area, R-3:**
 - *A. No single family dwelling shall have a livable floor area which totals less than the Residential R-1 requirements.
 - *B. No two family dwelling unit shall have a livable floor area which totals less than the Residential R-2 requirements.
 - *C. No multiple family dwelling unit shall have a livable floor area which totals less than 550 square feet per unit.
**The foregoing are exclusive of open or screened porches and motor room. No duplex nor multi-family housing unit hereafter constructed, altered or converted shall contain less than an average of 550 sq. ft. per family.*
6. **Height:** Dwellings shall not exceed thirty-five (35) feet in height. There shall be no limit on the height of non-residential structure except that for each foot the height of such a structure exceeds thirty-five (35) feet, the total width of the two side yards shall be increased by two (2) feet.

7. **Parking:** For multiple family dwellings, garages or parking space shall be provided in the rear or side yard, the side yard extending from the front set-back of the building to the rear lot line, and on the same lot or unified development, to park at least two (2) cars for each dwelling unit. Each parking space to be at least two hundred (200) square feet in area, exclusive of access thereto.

C. Private Garages and Other Outbuildings:

1. Detached garages and other outbuildings shall be permitted in the rear yard only. No detached garage or other outbuilding shall be placed nearer to a side or rear property line than two and one-half (2 1/2) feet. No detached garage or other outbuilding shall be placed nearer to the main building than ten (10) feet or nearer to side street than a distance equal to the side yard of the dwelling.
2. The above, however, shall not prevent the construction of a garage as a structural part of a dwelling and a garage so constructed may extend into an interior side yard, as required, a distance not to exceed four (4) feet, provided it does not extend nearer than five (5) feet to a side line.

SECTION IX. RESIDENTIAL R-4 DISTRICTS

***A. Permitted buildings, structures and uses in Residential R-4 Districts:** After obtaining a valid zoning certificate in accordance with the provisions of this regulations, the following uses are permitted.

1. All uses permitted in a Residential R-2 District, subject to the same yard area, height and minimum floor provisions as a Residential R-2 District.
2. Mobile home parks and their accessory uses, subject to the following regulations and approval by the Mahoning County Board of Health, and the State Board of Health.
 - A. **AREA AND FRONTAGE:** No mobile home park shall be permitted on a tract of land having a total area of less than **ten (10) acres* and a frontage of no less than *one hundred twenty-five (125) feet*.
 - B. **MOBILE HOME LOT:** Each mobile home lot shall not be less than 2,100 square feet and each mobile home lot shall be developed with a mobile home stand of not less than ten (10) feet by forty-five (45) feet. Such mobile home stand shall not be less than five (5) feet from the mobile home lot boundary.
 - C. **DENSITY:** The maximum density shall be not more than ten (10) mobile homes per acre of land.
 - D. **MINIMUM FLOOR AREA:** No mobile home shall be permitted with a minimum floor area of less than *four hundred eighty (480) square feet*.
 - E. **FRONT YARD:** No mobile home or other permitted structure shall be placed closer than fifty (50) feet to a front or side street property line.

F. **SIDE AND REAR YARD:** A side yard on each side and a rear yard of no less than fifteen (15) feet shall be provided around the edge of the mobile home park. Such yards shall not be occupied by or included as part of an individual mobile home lot.

G. **DRIVEWAYS AND PARKING:** A paved access drive of not less than thirty (30) feet in width shall be provided as entrance and exit to the mobile home park. Access drives within the mobile home park upon which a mobile home lot fronts, shall be paved for no less than twenty (20) feet in width. Two (2) parking spaces shall be provided for each mobile home unit with an area of no less than two hundred (200) square feet, exclusive of access thereto. Parking spaces on the access drives shall not be considered as part of this requirement.

B. *** ACCESSORY USES:** *Within a mobile home park development, the following uses and building shall be permitted:*

1. A permanent dwelling for one family office and maintenance families for operation of the mobile home park.
2. Mobile homes offered for sale by the operator of the mobile home park; provided no more than three (3) mobile homes are displayed; said mobile homes to be displayed in accordance with the front and side street requirements of the development.
3. Recreation facilities for residents of the park, five percent (5%) of the total acreage is required.
4. Garages, carports, and accessory buildings, provided they are placed no closer than fifty (50) feet to a front or side street property line or fifteen (15) feet to a side or rear property line.

C. **Other Regulations:**

1. Prior to the development of a mobile home park, a development plan of the mobile home park shall be filed with the office of the Township zoning inspector. It shall be further required that a zoning permit be secured for each mobile home prior to its installation, and for all other permitted structures and uses within the mobile home park.

SECTION X - BUSINESS B-1 DISTRICTS

***A. Permitted Buildings, Structures and uses in Business B-1 Districts.**

**After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:*

1. All building, structures and uses permitted in Residential R-1 Districts', subject to all the provisions specified for such buildings, structures, and uses in such residential district.

2. All uses permitted in a Residential R-2 Districts.
3. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting, and other management functions.
4. Business office carrying on no retail trade with the general public and having no stock or goods for sale to customers, such as:
 - Bank and Loan Companies
 - Holding, Investment and Trust Companies
 - Real Estate Offices
 - Insurance Offices
5. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, such as:
 - Offices of Veterinarians and Animal Hospitals
 - Offices of Physicians and Surgeons
 - Offices of Dentists and Dental Surgeons
 - Offices of Osteopaths
 - Offices of Chiropractors
 - Medical and Dental Laboratories--normally associated with and directly serving the medical and dental offices permitted in this district.
 - Legal Services
 - Engineering and Architectural Services
 - Accounting, Auditing and Bookkeeping Services
 - Funeral Homes

***B. Yard, Area, Height and Rear Yard Provisions**

1. Front Yard: No building, exclusive of open porches, steps and overhanging eaves, shall extend nearer to the front property line than fifty (50) feet. However, where there are existing building or buildings with a set-back less than the required minimum of fifty (50) feet, the set-back may be determined by the mean distance of set-back of the building or buildings, fronting on the same side of the street within one hundred fifty (150) feet of such proposed building site. In the case of a corner lot, a building or part thereof, may be placed with fifteen (15) feet of the side property line, provided there are no delivery and/or loading areas on this side. The side yard requirements shall be doubled if delivery and/or loading areas are provided on the side street of the building.
2. Height: No building shall be erected in excess of thirty-five (35) feet in height. For structures to be used solely for dwelling purposes, the front yard, side yard area and frontage and height provisions shall be the same as those for Residential R-2 Districts.

***3. Rear Yards:**

1. *There shall be a rear yard not less than forty (40) feet deep.*

C. Off Street Parking

1. Off street parking in a ratio of one (1) square foot of parking area to one (1) square foot of building ground floor area shall hereafter be required in all Business Districts; unless in the opinion of the Board of Trustees a lesser amount shall be deemed sufficient.

D. Semi-fireproof Construction

1. All buildings constructed or erected in a Business District shall comply with all regulations of Chapter 1230 Ohio State Building Code, Division of Factory and Building Inspection, Department of Industrial Relations, except when the structure is to be used and residential purposes only.

***E. Buffering**

- *1. All traffic pavement shall be set back from all front, rear and side property lines a distance of ten (10) feet except for those reasonable portions required for access to and from the street and to adjoining properties. This perimeter area created between the property lines and setback lines shall be properly landscaped with grass, evergreen ground cover or other generally acceptable landscaping treatment. Where this traffic pavement is used for parking, service courts, trash retaining, storage, delivery or shipping areas, and where such pavement is visible from an adjoining residential property, this pavement shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting and/or a landscaped earthen mound, in addition to the landscaping requirement described above. All landscaping and screening shall be maintained in reasonable good condition. In no case such vegetation or screening be placed in such a manner which would present a safety hazard to vehicular or pedestrian traffic. All the above screening and buffering design shall be approved by the Board of Township Trustees.

SECTION XI - BUSINESS B-2 DISTRICTS

A. Permitted Building, Structures and uses in Business B-2 Districts.

After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All buildings, structures, and uses permitted in Business B-1 Districts.
2. Retail stores, offices-- not previously listed; hotels, motels, theaters, garages and gasoline service stations subject to the requirement of Ohio State laws and as permitted by law in all other respects. Without limiting the foregoing, the following are specifically prohibited:
 - a. Any process of manufacturing, including fabrication, converting assembly or treatment and machine and welding shops.
 - b. Slaughtering poultry and animals, rendering lard and other fats and meat smoking, whether or not the same is incidental to a retail business.
 - c. Junk yards, second-hand material yards and automobile graveyards and disassembly plants.

- d. Laundry and dry cleaning plants employing more than ten (10) persons.
- e. Commercial warehouses, Lumber and coal yards, building material storage yards, loading and transfer stations and truck terminals.
- f. The storage of explosives, and the storage of crude oil or any of its volatile products or other highly inflammable liquids in above ground tanks except in accordance with State regulations thereto.
- g. Bottling works and the brewing and distilling of liquors.
- h. Stone or monument works.
- i. All buildings, structures and uses prohibited in Industrial Districts.
- j. Billboards, or outdoor advertising which directs attention to a business, commodity, service or entertainment which is offered, sold, or conducted elsewhere than on the premises.
- k. Abandoned, wrecked or dismantled automobiles, trucks, trailers, farm equipment, aircraft, furniture or other miscellaneous materials.
- l. House trailer camps and their uses.
- m. Manufacturing or processing of yeast or yeast products.
- n. Strip mining.
- o. Car wash.
- p. Any process, manufacture or treatment constituting a nuisance by reason of the creation of liquid waste or liquid borne waste of objectionable or polluting nature. Objectionable or polluting waste shall be defined as those wastes which adversely affect the bacteriological, chemical or physical quality or potability of the water in such a manner as to make it unfit or undesirable for human consumption after conventional treatment procedures or clarification and filtration; or waste which create any hazard, nuisance or detriment to the downstream residents and property owners on any lake, stream or river.

*q. No trailer shall be used for a retail business or retail use.

- 3. None of the permitted uses which constitutes a nuisance by reason of odor, noise, dust, smoke pollution or which constitutes an unusual fire hazard will be permitted.

B. Yard, Area, and Height Provisions.

- 1. Yard, area and height requirements are to be the same as for Business B-1 Districts.

C. Off Street Parking

- 1. Off street parking requirements are to be the same as for Business B-1 Districts.

D. Semi-proof Construction

1. Semi-proof construction to be the same as for Business B-1 districts.

E. Buffering

- *1. Buffering to be the same as for Business B-1 Districts.

SECTION XII - INDUSTRIAL DISTRICTS

***A. Permitted Buildings, Structures, and uses in Industrial Districts.**

*After obtaining a valid zoning certificate in accordance with the provisions of these regulations there shall be permitted all buildings, structures, and uses permitted in any of the other districts with the exception of multi-family dwellings which are restricted to Residential R-3 District, and Mobile Home Parks which are restricted to Residential R-4 Districts; and all other building, structures and uses except the following which are specifically prohibited.

1. Any process of assembly, manufacture or treatment which produces and offensive or obnoxious smoke, odor, dust or noise including, but not limited to such things as: the manufacture or refining of asphalt; blast furnaces; the manufacture of or processing of yeast, cork fertilizer, linoleum, or oilcloth and glue or gelation; the tanning of hides and skins; abattoir and slaughter houses (except for poultry); and the manufacture of paint, oil and varnish.
2. Any process of assembly, manufacture or treatment constituting a hazardous use including but not limited to such things as the manufacture or bulk storage of fireworks and explosives; and the manufacture of illuminating gas and other explosives or poisonous gases, except as may be incidental to permitted industrial process.
3. The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks, except in accordance with State regulations in respect thereto, and provide further that all aboveground tanks having a capacity of ten thousand (10,000) gallons or more shall be properly diked with dikes having a capacity equal to one and one-half (1-1/2) times the capacity of the tank or tanks surrounded.
4. Junk yards and automobile graveyards.
5. The storage of secondhand materials for resale; the storage, bailing or treatment of junk, iron, rags, bottles or scrap paper, except within a building.
6. Any process of manufacturing, including fabrication, converting assembly, or treatment, which in the opinion of the Board of Trustees, constitutes a nuisance by reason of odor, noise, dust or smoke, or which constitutes an unusual fire hazard.
7. Any process, manufacture or treatment constituting a nuisance by reason of the creation of liquid wastes of objectionable or polluting nature. Objectionable or polluting waste shall be defined as those wastes which adversely affect the bacteriological, chemical or physical quality or potability of the water in such a manner as to make it unfit or undesirable for human consumption after conventional treatment procedures of clarification and filtration; or wastes which create any hazard, nuisance or detriment to the down-stream residents and property owners on any lake, stream or river.

- *8. Strip mining
- *9. No trailer shall be used for a business or industrial use.
- *10. The disposal, storage, shredding or processing of tires for commercial purposes.
- *11. Commercial incineration, treatment, or remediation of any material, including but not limited to, burning or heating soil or aggregate contaminated with petroleum products or any other pollutant or industrial waste.
- *12. No property shall be used for the commercial composting of yard waste, leaves or any other like organic material.
- *13. No outdoor fire arms shooting ranges.

B. Set Back Line

- 1. A set back of not less than fifty (50) feet from the road right-of-way line as shown on the Mahoning County Thorofare Plan shall be observed.
- 2. No building or structure in an industrial district shall be erected within, or structurally altered to extend within, one hundred (100) feet of a residential district boundary line. Such space may be used for employee and/or visitor parking, or shall be seeded, planted and properly maintained. If used for parking adequate screen plantings shall be provided where required by the Township Board of Zoning Appeals; screen plantings shall be provided in other locations where considered necessary and required by such board.

C. Semi-Proof Construction

- 1. All buildings constructed or erected in an Industrial District shall have a fire resistance rating not less than that of semi-fireproofing construction which requirements are met if all bearing walls, supporting members and exterior walls are made of masonry, concrete, steel, or other equally fire resistant material and, if the roof is made of * fiberglass shingle or equally fire resistant materials except when such building conforms to the side and rear yard requirement of Residential R-2 Districts.

D. Off Street Parking

- 1. Adequate parking space and loading space shall be provided to meet present and anticipated needs, considering the number of employees and other requirements. There shall be provided one space for each two (2) employees in a maximum working shift for industrial plants. Other requirements shall not be less than for Business Districts.

E. Enclosing Structure

*A use allowed in this 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.

F. Refuse Dumps

1. Township Refuse Dumps will be permitted in Industrial Districts, providing that approval is obtained from the Zoning Commission and Township Trustees, then a zoning permit may be issued by the zoning inspector. Approval also must be obtained from the Mahoning County Board of Health, and operation under its regulations; and the State statues pertaining to dumps. Dumps approved are to be used for the disposal of refuse only, and not for disposal of any garbage, industrial, chemical or nuclear waste what so ever, unless an approved type of sanitary landfill is approved by the Township Trustees and the County Board of Health.

SECTION XIII - WATER RESERVOIR DISTRICTS

- A. Land within a Water Reservoir District shall be restricted to use for water reservoir purposes, game preservation, and uses ordinarily considered accessory thereto.

***SECTION XIV - PLANNED UNIT DEVELOPMENT
(PUD) DISTRICT**

Planned Unit Development, subject to the following:

***A. Definition**

"Planned Unit Development" or PUD shall mean an area of land which a variety of housing types and subordinate commercial and business facilities are accommodated in a pre-planned environment under flexible standards, such as lot size and setbacks, than those restrictions that would normally allow under these regulations. The procedure for approval of such development contains requirements in addition to those of standard sub-division, such as building design principles and landscaping plans.

***B. Uses Permitted in a PUD District**

Residential, business, commercial, public and quasi-public uses may be combined in PUD Districts, provided that the proposed location of the business or commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare.

***C. Development Standards**

1. A PUD shall cover an area of not less than fifty (50) contiguous acres which shall not be subdivided by; any limited access highway, any area of land not included in the proposed development, or any rail-road right-of-way.
2. Central or public sanitary facilities and central or public water facilities shall be required. Under-ground utility plans shall be required in designated planned unit developments. The Mahoning County Sub-division Regulations must be followed. Additional Township requirements may be added when appropriate.
3. A minimum of twenty-five (25) percent of the total area in the development excluding streets, front, side and rear yard requirements must be devoted to open space dedicated for the use of the residents of the planned unit development. Lakes and waterways can be used as open space. No single park or open space shall contain less than three (3) contiguous acres. Furthermore, no single park or open space shall be credited for more than twenty (20) percent towards the twenty-five (25) percent minimum open space requirement.

4. The required amount of common open space land reserved under a planned unit development shall either be held in corporation ownership by owners of the project area for the use of each owner who buys property within the development, or be dedicated to the Township and retained as common open space for parks, recreation and related uses. All land dedicated to the Township must meet the Planning commission requirements as to size, shape and location. Public utility and similar easements and right-of-ways, for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. Such open space shall include that open space that may be required by the Mahoning County Planning Commission under Article 4.2 of the Mahoning County Subdivision Regulations. The advice of the Mahoning County Planning Commission may be sought regarding any additional open space acquisition. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the development.

***5. Lot requirements**

The plans submitted for a PUD District may either depict (1) lots with or without building sites located thereon, under the standards and regulations set forth in this PUD Resolution, or, (2) the plan can show actual locations and sites for clustered dwellings, or zero lot line attached or unattached structures on common owned land without reference to lot lines.

- a. If the plan or portions of the plan are submitted without conventional lot lines, the following shall apply:
- (1) The plan must describe arrangements for ownership of the land and structures contained within such area.
 - (2) Any and all structures and improvements must be located on drawing submitted with the plan, including but not limited to; all building and structures, utility improvements and roadways.
- b. If the plan includes lots, the following requirements apply:
- (1) Single family or two family lots shall be on the average of fifteen thousand (15,000) square feet, but the minimum square feet shall not be less than twelve thousand (12,000) square feet for any single or two family lot. No lot shall have less than forty (40) feet of frontage on a public or private street or width less than sixty (60) feet at the building line.
 - (2) The front yard setbacks for single family dwellings in a PUD may vary to allow an average setback of fifty (50) feet from the road right-of-way through said development provided that the following requirements are met:

The minimum front yard setback allowed shall be fifty (50) feet.

Upon approval of the flexible front yard setback, said setback lines shall be placed on the development plan.

At the time of plat approval, the flexible front yard setback lines shall become the minimum required setback for each lot as it is on the final subdivision plat.

- (3) Side yards for single family dwellings shall be a minimum of five (5) feet on each side; except for corner lots where the corner side shall be fifteen (15) feet.
 - (4) Rear yards for single family dwellings shall be a minimum of forty (40) feet. Accessory buildings shall be placed in rear yard with a minimum of five (5) feet from any side or rear lot line.
6. A PUD shall consist of single family and multi-family dwellings. The ratio of single family dwellings shall be at least one single family dwelling for every four (4) multi-family dwellings.
 7. The density of the total PUD shall be the minimum of ten thousand (10,000) square feet per unit not including street right-of-ways or open space. For each multi-family dwelling over two (2) units, a minimum of four thousand (4,000) square feet shall be added to fourteen thousand (14,000) square feet for each dwelling unit. Up to one half of the area required for the total number of multi-family dwellings planned for the entire development may be designated as open space in addition to the twenty-five (25) percent minimum space required in order to permit preservation of large open space areas, water retention ponds and other related recreational facilities.
 8. Yard size, height of buildings and parking requirements for multi-family dwellings in a PUD shall be the same as required in Residential-3 districts.
 9. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas.

***D. COMMERCIAL AREA REQUIREMENTS**

1. Commercial buildings and establishments shall be planned in groupings having common parking areas and common ingress and egress points whenever possible. Plantings, screens, fences, and buffers shall be provided on side abutting areas occupied by residences. The plan shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.
2. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

3. Parking - Off-street parking, loading and service areas shall be provided in accordance with applicable commercial parking area requirements contained in this ordinance. However, off-street parking and loading area shall not be permitted within one hundred (100) feet of any residential use.

***E. ROADWAYS**

Road systems within the PUD shall be adequate to assure safe and reasonable traffic circulation, access to dwelling units and to commercial establishments, and shall further provide for adequate off-street parking. Any roadway shall meet all applicable subdivision regulations, cross sections, and widths.

***F. APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD), ZONE CHANGE DISTRICTING, AND ZONING APPROVAL PROCESS**

An applicant may apply for a planned Unit Development Zone Change by making application to the Township Zoning Commission pursuant to the provisions of Section XIX, D-F of the Township Zoning Ordinance.

In addition to the Contents of Application contained in Section XIX, E, the application for Planned Unit Development Zone Change shall contain the following:

- a. An area map showing the Applicant's entire holding, that portion of the Applicants property under consideration, and all properties, sub-division, streets and easements within two hundred (200) feet of Applicants property.
- b. A project site plan including the following information:
 - (1) Title of drawing, including name and address of Applicant;
 - (2) North point, scale and date;
 - (3) Boundaries of the property plotted to scale;
 - (4) Existing watercourses;
 - (5) A site plan showing location, proposed use and height of all buildings, location of all parking and truck loading area, with ingress and egress drives thereto; location and proposed development of all open spaces, including parks, playgrounds, and open reservations; location of outdoor storage; if any, location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; descriptions of method of sewage disposal and location of such facilities; location and size of all signs, location and design of street and parking lighting; the amount of building area proposed for non-residential uses, if any.
 - (6) Recommendations for proposed zoning;

- (7) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls;
- (8) Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, and pedestrian convenience;
- (9) Location, arrangement, appearance and sufficiency of off-street parking and loading;
- (10) Location, arrangement, size and placement of building (s), lighting and signs;
- (11) Arrangement of landscape features;
- (12) Adequacy of storm water and sanitary waste disposal facilities;
- (13) Adequacy of structures roadways, in areas with moderate to high susceptibility to flooding and ponding and/or erosion.

*The application shall be considered in accordance with the procedures established under Ohio Revised Code, Section 519.12, as contained in Section XVIII, G-M, of the Township Zoning Ordinance.

SECTION XV SUPPLEMENTARY REGULATIONS

- A. None of the following, which have been abandoned, OR JUNKED, AS DESCRIBED IN SECTION 4513.65 OF THE OHIO REVISED, shall be permitted to remain exposed on the premises in any zoning district: UNLICENSED automobiles, UNLICENSED trucks, tractors, boats, trailer, operating equipment, aircraft, furniture or other miscellaneous materials. THIS RESTRICTION DOES NOT APPLY TO MOTOR VEHICLE DEALERS WHO ARE DULY LICENSED BY THE STATE OF OHIO.
- B. Airports, airstrips, airfields, or landing strips to be used in the operation of the land owner's private airplane, and those of his/her guests who may desire to use it, are not permitted in any zoning district of Ellsworth Township.
- C. Cellar dwellings are specifically prohibited in all zoning districts of Ellsworth Township.
- D. Fences
 1. Fencing of residential properties shall be permitted provided that any fence in excess of two and one-half (2-1/2) feet in height extends no nearer to the front street than the front of the dwelling, and further provided the fence does not exceed six (6) feet in height. In the case of a corner lot, no fence in excess of two and one-half (2-1/2) feet may extend nearer to the side street than the side yard requirements of the dwelling.

2. It shall be the responsibility of the property owner erecting the fence to provide the maintenance of the outside surface. The finished surface shall in all cases, be the outside, with all posts, braces, etc., to the inside. All matters of dispute shall be civil matters between the property owners.

E. House trailers or mobile homes are prohibited, except in Residential R-4 Districts.

F. Junkyards, automobile graveyards or disassembly plants are prohibited in all zoning district of Ellsworth Township.

G. Commercial Kennels for the raising, breeding and boarding of dogs or other small animals, provided that all buildings, including runways, be at least one hundred (100) feet from all property lines will be permitted.

H. Public Parks and playground, private and public recreation areas and centers, including country clubs, swimming pools, youth camps, picnic areas, public and private forests and wildlife preserves, and golf courses, except miniature golf courses, driving ranges and short hole golf courses for night time operation, shall be permitted.

I. Heavy motor vehicles, trailer-tractor combinations.

1. Not more than two (2) of the following described heavy motor vehicles per home may be parked or stored in a Residential District, while being loaded or unloaded.
 - a. A motor vehicle having a rated carrying capacity of more than two (2) tons.
 - b. A motor tractor and/or trailer used for freight.
 - c. A motor bus (motor coach).

J. Camp Sites

1. No camping shall be permitted in any district in the Township except by youth organizations such as Camp Fire Girls, Boy Scouts, etc., unless proper application is made to the Board of Zoning Appeals, and the Board authorizes the same.

K. Signs for Business or Industrial Districts

1. A permit shall be secured before the construction or erection of any sign or billboard.
2. No signs, billboard or outdoor advertising shall be permitted which directs attention to a business, commodity, service or entertainment which is offered, sold or conducted elsewhere than on the premises.
3. No sign or bill board shall extend over a sidewalk or other public way.

4. Signs shall not be established less than eight (8) feet above street grade, except when affixed against a permitted building. Said eight (8) feet above street grade to be an unobstructed open space except for poles or supports no more than twelve (12) inches in diameter.
5. The area of all permanent advertising signs for any Business or Industrial District may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet.
6. Wall signs which are affixed to an exterior wall of a building and no part of which sign projects more than fifteen (15) inches, and which identifies the business, commodity, service or entertainment which is offered, sold or conducted on the premises, shall be considered a part of said business and shall not be required to secure a zoning permit.
7. No sign or billboard shall be located as to constitute a traffic or safety hazard.
8. Temporary directional signs may be authorized for a period of six (6) months at a fee of five dollars (\$5.00), provided the following conditions are met:
 - A. A need for a sign to direct traffic from the main thorofare must be established to the satisfaction of the zoning inspector.
 - B. A written authorization from the owner of the property on which the sign will be erected must be filed with the application.
 - C. Plans showing the size, construction, copy and location of the proposed sign must be filed with the application.
 - D. Signs shall be no larger than four (4) feet by eight (8) feet, including ornamentations, and no higher than twelve (12) feet overall height, including supports.
 - E. Signs shall be supported by skids upon the ground and attached only by guywires.
 - F. No sign shall be permitted on public property, nor otherwise situated in such a way as to create a traffic hazard. Such temporary directional sign permit may be renewed for two (2) additional periods (maximum sign life 18 months) and signs not removed when the permit has expired or not complying with the above conditions, will be destroyed and/or the owner will be prosecuted for violation of the Zoning Ordinance.
 - G. Political signs must be removed immediately after election.
 - H. A permit, but no fee, shall be required for signs made for non-profit youth and adult community organizations, including schools, parks, and official business.

L. Signs in Residential and Agricultural Districts

1. A permit shall be secured before construction or erection of any sign or billboard.

2. No stationary signs or billboards shall be permitted except:
- A. Customary professional, home occupation, and agricultural produce signs not larger than nine (9) square feet in area.
 - B. Tourist home signs not larger than nine (9) square feet.
 - C. Real estate signs not larger than twenty-five (25) square feet, when placed on property offered for sale or rent, which is a project or development.
 - D. Signs appropriate to a public or quasi-public building.
 - E. Signs identifying a building or use permitted under the public welfare.

M. Corner properties

1. On property located at street and/or highway intersections in any district established by this Ordinance, no fence, wall, sign, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted or maintained within the triangular area formed by connecting with a straight line two (2) points located on the respective rights-of-way twenty-five (25) feet distant from point of intersection.

N. Temporary permit

1. A temporary permit may be authorized by the Board of Zoning Appeals for a period not to exceed one (1) year, for non-conforming uses such as a temporary dwelling, and those uses incidental to housing and construction projects and including, but not limited to, such structures and uses as house trailers, storage of building supplies, machinery, or a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure or structures upon the final expiration of the permit, and discontinue the use or uses. Such permit may be renewed once by said Board, if sufficient progress on the building has been accomplished.
- *2. In the case of an emergency (such as that due to fire, water, wind), the zoning inspector, at his/her discretion may issue a temporary permit to park a house trailer, mobile home or motor home for a period up to six (6) months and not to exceed one (1) year for use as a temporary dwelling while the home, formerly existing on the property is uninhabitable.

O. Minimum off-street parking

1. Minimum space shall be three hundred (300) square feet, including aisles and driveways:

Apartments--Two (2) spaces for each dwelling unit

Automobile or Machinery Sales and Service Garages-- One (1) space for each 100 square feet of floor area.

Banks, Business and Professional Offices, including Barber Shops and Beauty Salons-- One (1) space for each 200 square feet of floor area.

Bowling Alley-- Five (5) spaces for each alley.

Churches-- One (1) space for each four (4) seats.

Community Centers, Libraries, Museums, Post Offices, Civic Clubs-- One (1) space for each 100 square feet of floor area.

Dance Halls, and Assembly Halls without fixed seats--One (1) space for each 100 square feet of floor area used for assembly or dancing.

Funeral Homes or Mortuaries--One (1) space for each 100 square feet of floor area.

Furniture and Appliance Stores-- One (1) space for each 200 square feet of floor area.

Hospitals-- One (1) space for each two beds.

Hotels-- One (1) space for each two (2) bedrooms.

Household Equipment or Furniture Repair Shops-- One (1) space for each (200) square feet of floor area.

Laundromats-- One (1) space for each 200 square feet of floor area.

Manufacturing Plants, Research or Testing Laboratories and Bottling Plants-- One (1) space for each two (2) employees in a maximum working shift.

Medical or Dental Clinics-- One (1) space for each 200 square feet of floor area.

Motels and Motor Hotels-- One space for each Living or sleeping unit.

Private Clubs, Fraternities, Boarding and Lodging Houses--One (1) space for each two (2) guest sleeping rooms.

Restaurants, Bars, and Night Clubs--One (1) space for each fifty (50) square feet of floor area.

Retail Stores and Shops-- One (1) space for each 50 square feet of floor area.

Sanitariums, Convalescent Homes and Children's Homes--One (1) space for each six (6) beds.

Schools--One (1) space for each 100 square feet of floor area.

Shopping Centers-- One (1) space for each 100 square feet of floor area.

Stadiums, Sports Arenas, Auditoriums, Theaters and Assembly Halls other than schools-- One (1) space for each four (4) seats.

Super Markets-- One (1) space for each 300 square feet of floor area.

Wholesale Establishments-- One (1) space for each 800 square feet of floor area.

2. Adequate parking space for recreational areas to be determined by the Board of Appeals: Country Clubs, Golf Clubs, Hunting Clubs and Swimming Pools.

P. Swimming Pools

1. Swimming pools are herein defined for the purpose of the resolution as any volume of water which is specifically contained in its enclosure for the purpose of swimming, and which is located outside of any building. Farm ponds, ponds or lakes developed in urban areas as landscape design features, where swimming is not intended and does not occur, shall be excluded from the regulations.
2. A private swimming pool shall be defined as a constructed or permanent pool and for the purpose of this Ordinance shall be subject to the following restrictions:
 - A. No portion of such pool shall be permitted to be closer than ten (10) feet to the rear property line.
 - B. The pool shall be entirely enclosed by a safety fence not less than four (4) feet six (6) inches nor more than six (6) feet in height, equipped with self closing, self latching gates. Such fence may enclose only the pool area or the entire yard, so long as it serves adequately to protect children from entry to the pool.
3. The above specifications shall apply to all lands encompassed by the Zoning Ordinance, whether zoned Residence, Business, Industrial or Agriculture.

***Q. Animals**

Species classified as exotic and are a danger to the health, safety and welfare of the citizenry are strictly prohibited. Such as lions, tigers, bears, and poisonous reptiles.

***R. Recreational vehicles**

In any district the owner of a recreation vehicle may store it on the property on which he resides providing, it is not used for habitation while so stored and that applicable set back and side yard restrictions are conformed with.

***S. Adult Entertainment, (Sexually Oriented Businesses) subject to the following:**

*SECTION I

It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surround residential areas adjacent to them, causing increased crime and downgrade in property values.

The Board of Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

*SECTION 2

- A. **SEXUALLY ORIENTED BUSINESS** is one which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively, defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, or adult theater, or massage business.
- B. **ADULT ARCADE** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
- C. **ADULT BOOKSTORE or ADULT VIDEO STORE** means 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:
- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or described "specified sexual activities" or "specified anatomical areas"; or
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- D. **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (1) Persons who appear in a state of nudity; or

- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"

B. ADULT MOTEL means a hotel, motel, similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slide, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

F. ADULT MOTION PICTURE THEATER means a commercial establishment where any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which characterized by the depiction or description of "specified sexual activities; or "specified anatomical areas".

G. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"

H. MASSAGE means the manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping by hand or mechanical device.

I. MASSAGE BUSINESS means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlor which is characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

J. NUDITY of a STATE OF NUDITY means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

K. PERSONS means an individual, proprietorship, partnership, corporation, or other legal entity.

L. SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.

M. SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

- N. **SPECIFIED ANATOMICAL AREAS** means less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- O. **SEXUALLY ORIENTED DEVICES** means without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any conceptive device.

***SECTION 3**

The Board of Zoning Appeals may issue a Conditional Use Permit for a sexually oriented business only in a Commercial Zoning District in each particular instance only on the following conditions: The proposed business is located more than one thousand (1,000) feet from a church, a public or private school, boundary of a residential district as established by the Board of Trustees, the lot line of a lot devoted to residential uses; public park or playground; and already existing sexually oriented business or one that has received a Conditional Use Permit, any social services facility or neighborhood center, and boundary of a residential district in a local government abutting Ellsworth Township, or any structure that contains a residence.

***SECTION 4**

A. REVOCATION OF CONDITIONAL USE PERMIT

The Zoning Inspector shall revoke the conditional use permit for any adult entertainment business if so determined pursuant to the action of the Board of Zoning Appeals.

B. PROCEDURE FOR REVOCATION

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he/she has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provision of this Subdivision 16, Sections, 1,2,3,4. Within fifteen (15) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the Conditional Use Permit should be revoked. Notice of this hearing shall be served on the adult entertainment business at least ten (10) days before the hearing and if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within thirty (30) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant, within ten (10) days after such decision.

SECTION XVI NON-CONFORMING BUILDINGS AND USES

The non-conforming use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance for the district in which non-conforming use is located, subject, however, to the following provisions:

A. CONSTRUCTION STARTED PRIOR TO ORDINANCE

1. Nothing herein contained shall require any change in plans, construction or use of a building, the actual construction of which shall have been begun prior to the adoption of this Ordinance, and which entire building shall be completed according to such original plans within six (6) months of said time of adoption.

B. RECONSTRUCTION, ALTERATION AND EXTENSION OF A NON-CONFORMING BUILDING OR STRUCTURE

1. A non-conforming building or structure may not be reconstructed, altered or extended except as follows:
 - a. When damaged by fire, explosion, riot or flood or similar other causes; provided such reconstruction is started within one (1) year and is completed within two (2) years of time of damage, and there is no extension in the size, bulk or area previously used.

C. ABANDONMENT

1. Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Ordinance.

D. CHANGES

1. Once changed to a conforming use, no building, land or other structure shall be permitted to revert to a non-conforming use. No new non-conforming use may be added to, or substituted for, and existing non-conforming use.

SECTION XVII ADMINISTRATION AND ENFORCEMENT

A. ZONING INSPECTOR

1. The Board of Township Trustees shall appoint a Township zoning inspector, who shall be responsible for the enforcement of the provisions of this Ordinance.
2. It shall be the duty of the township zoning inspector to issue permits as provided by this Ordinance and to keep a record of all permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and same shall be available for the use of the Board of Township Trustee, the Zoning Commission, the Board of Zoning Appeals and the public.
3. The Township zoning inspector shall receive a salary as determined by the Board of Township Trustees.

B. ZONING PERMITS

1. The Board of Township Trustees shall adopt a system of zoning permits, and a schedule of cost for such permits.
2. A zoning permit shall hereinafter be secured from the Township zoning inspector prior to construction, erection, reconstruction or major alteration of any non-farm building or structure or part thereof in the township, when the cost of materials is valued at five hundred dollars (\$500.00) or more. A similar permit shall be secured before the construction or erection of any sign permitted under Section XIV, paragraph L. All request for zoning permits shall be made in writing by the owner or by his authorized agent and shall include a statement of the erection, reconstruction or major alteration and shall be accompanied by a plan drawn to scale, showing the proposed building line in its exact relation to lot and street lines as well as satisfactory evidence that the line or lines of the bounding street or streets has or have been accurately located on the ground. No zoning permit shall be issued unless the individual or company requesting same shall own or control an existing parcel of ground or a newly approved subdivided lot of sufficient size to comply with the requirements of this Ordinance.

C. OCCUPANCY PERMITS

1. No building or structure for which a zoning permit is required, hereafter constructed, erected, reconstructed or altered, shall be occupied, nor shall use be made of any land, until an occupancy permit has been issued by the township zoning inspector, certifying that the building structure or land use complies with the provisions of this Ordinance.
2. Occupancy permits shall be applied for coincident with an application for zoning permit. When the outside construction, alteration or similar preparation is completed for normal use, the township zoning inspector shall be notified and shall issue or deny an occupancy permit within ten (10) days thereafter.

D. CHANGES AND AMENDMENTS

1. An amendment, supplement, reclassification or change may be initiated by resolution of the commission by the Board of Trustees, or any interested or affected party.

SECTION XVIII INTERPRETATION OF ORDINANCE

A. HOW CONSTITUTED-RULES OF COMMISSION:

1. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals), who are residents of the unincorporated area of Ellsworth Township.
2. Of the five members, one (1) will serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; and one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of

their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause and after a public hearing in accordance with the provisions of Section 519.4 O.R.C. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

3. The Zoning Commission shall by majority vote of its members elect a Chairman and Vice-Chairman, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.
4. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.

B. POWERS OF THE COMMISSION:

1. Prepare the Zoning Ordinance.
2. Take action on zone change requests and make recommendations on same to the Board of Township Trustees.
3. Initiate advisable zone changes, or changes in the text of the Zoning Ordinance, where same will promote the best interests of the public in general.

SECTION XIX BOARD OF ZONING APPEALS

A. HOW CONSTITUTED- RULES OF BOARD:

1. The board of Zoning Appeals shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Zoning Commission).
2. Of the five members, one (1) shall serve until the first Monday of the second January following the adoption of the Zoning Ordinance; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; and one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause and after public hearing, in accordance with the provisions of Section 519.13 O.R.C. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
3. The Board of Zoning Appeals shall by majority vote of its members elect a Chairman and Vice-Chairman who shall occupy such offices until their successors are duly

ected at the next annual meeting of the Board which shall be held during the month of January of each year.

4. Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment, decision, or determination of the Board shall be filed in the office of the Board and shall be a public record.

B. POWERS OF THE BOARD:

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Township Zoning Inspector in his enforcement of this Ordinance or any amendments thereto.
2. Authorize, upon appeal, in specific cases, such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.
3. In exercising the above-mentioned powers, the Board may, in conformity with paragraphs 1 and 2 above, reverse or affirm, wholly or partially, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.
4. Order the Zoning Inspector to grant or decline zoning permits in cases brought before the Board and impose such conditions and requirements as it may deem proper in connection therewith.

SECTION XX. APPEAL

A. WHO MAY APPEAL

Appeals to the Board may be made by any person aggrieved or adversely affected by any decision of the Zoning Inspector, or by any person having a reasonable bases for requesting a variance of this Ordinance.

B. APPEAL, HOW PERFECTED:

Appeal shall be perfected by filing a notice of appeal in the office of the Zoning Inspector, setting forth the order or decision from which the appeal is taken, or the grounds on which the appeal is based.

C. TIME WITHIN WHICH TO PERFECT APPEAL:

In all cases, the required notice shall be filed within twenty (20) days from the entry of the order from which appeal is perfected.

D. EFFECT OF APPEAL:

Appeal stays all orders or decisions unless the Zoning Inspector makes affidavit under oath that by reason of the circumstances, the facts of which shall be stated in the affidavit; a stay would result in imminent peril to life or property; in such case, there shall be no stay of any order or decision unless ordered by the Board of Zoning Appeals, or the Common Pleas Court, for good cause shown.

E. HEARING OF APPEAL:

The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the appeal within reasonable time after it is submitted.

F. AUTHORITY OF PRESIDING OFFICER:

The presiding officer of the Board of Zoning Appeals shall have the authority to compel the attendance and testimony of witnesses, to administer an oath to witnesses and to make such orders as may be necessary for the proper exercise of its functions.

G. VOTING:

A majority vote of the members of the Board of Zoning Appeals shall be necessary to arrive at a decision or determination.

H. HIGHER AUTHORITY:

Any person adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mahoning County on the ground that such decision was unreasonable or unlawful. The court may affirm, reverse, vacate or modify the decision complained of in the appeal.

**SECTION XXI AMENDMENTS, SUPPLEMENTATION OR
REPEAL OF ZONING ORDINANCE**

The Board of Township Trustees may amend or supplement this Ordinance in accordance with the provisions of Section 519.12 O.R.C. as amended in July, 1956, and in September, 1957, or any future amendments or supplements thereto, when such action is necessary. Any zone change request which is disapproved by the Board of Township Trustees shall not be resubmitted for the same area, or revised area which includes the original area, for a minimum period of one (1) year from the date of final action by such board.

SECTION XXII SEPARABILITY

If, for any reason, any clause, sentence, paragraph, section, or any other part of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined to its operation to the clause, sentence, paragraph, section or other part of this Ordinance directly involved in the controversy in which such judgment shall have been rendered.

SECTION XXIII VIOLATIONS AND PENALTIES

A. PROHIBITION AGAINST VIOLATION:

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained or used and no land shall be used in violation of this Ordinance subsequent to its adoption by the voters of Ellsworth Township.

B. VIOLATION OF ANY PROVISION:

Violation of any provision of this Ordinance or any amendment or supplement thereto, shall constitute a misdemeanor, and each day the violation continues shall be deemed a separate offense and such offense shall be punishable by a fine of not more than one hundred dollars (\$100.00)

C. ACTION INSTITUTED TO PREVENT VIOLATION OF ZONING ORDINANCE:

In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or use, or any land is, or is proposed to be used without a permit in violation of this Ordinance, 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, enlargement, change, maintenance, or use.

SECTION XXIV EFFECTIVE DATE

This Ordinance shall take effect immediately after its submission to the voters of Ellsworth Township and certification by the Board of Elections that a majority of the vote cast on the issue favors the proposed plan of zoning, as provided by Section 519.11, Ohio Revised Code.

Section VI *J. Cell Tower Regulations

ELLSWORTH TOWNSHIP CELLULAR TOWER REGULATIONS FOR RESIDENTIAL DISTRICTS

DEFINITIONS

COLLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

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 a foundation.

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

WIRELESS TELECOMMUNICATIONS ANTENNA: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

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.

INTENT Wireless telecommunications facilities are permitted as conditional uses in agricultural and residential districts contingent upon a number of specific conditions and requirements being met. These criteria are in place in an attempt to minimize an adverse health, safety, public welfare or visual impact through buffering, siting, design and construction, and reducing the need for new towers.

WIRELESS TELECOMMUNICATIONS FACILITY:
Wireless telecommunications facilities are permitted in commercial and industrial zoning districts.

SECTION 1 - GENERAL

The items listed below apply to all wireless telecommunications facilities.

A. A plot plan including all building uses within 500 feet shall be required at a scale not less than one inch is equal to 100 feet.

B. The location of the tower and equipment building shall comply with all natural resource protection standards established in this ordinance, including flood plain, wetlands and steep slope regulations.

--Amendments--

- C. A security fence eight feet in height with barbed wire around the top shall completely surround the tower, equipment building and any guy wires. Each structure may be separately fenced.
- D. Buffer plantings shall be located around the perimeter of the security fence as follows:
 - 1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
 - 2. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. A report prepared by a licensed professional engineer shall be included with the submitted application and shall contain the height, design, proof of compliance with nationally-accepted structural standards and the number and types of antennas it can accommodate.
- F. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to the township to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
- G. Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
- H. An antenna may not be located on a building or structure that is listed on an historic register, or is an historic district, unless the Architectural Review Board and/or zoning inspector has approved same.
- I. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- J. No advertising is permitted anywhere on the facility.
- K. If at any time after initial use the use of the facility is discontinued for 180 days, the zoning inspector may declare the facility abandoned. The facility's owner/operator will be contacted and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the conditional permit will expire on the 181st day.
- L. The tower shall not be artificially lighted except (a) to assure safety, or as required by the FAA, and/or (b) to permit security lighting.
- M. Warning signs shall be posted around the facility with an emergency telephone number of who to contact in the event of an emergency.
- N. The facility owner/operator shall present a maintenance plan in which they will be responsible for the upkeep of the site.
- O. A permanent easement to the tower site must be provided thereby maintaining access regardless of other developments that may take place on the site.
- P. A conditional use permit must be approved by the Ellsworth Board of Zoning Appeals. Collocated antennas, antennas attached to existing structures or buildings and EXISTING towers located in residential districts are permitted uses and shall not be subjected to the conditional use permit process.

--Amendments--

- Q. Collocation is highly encouraged. The applicant must demonstrate that there is no other space available either on an existing tower or structure in the service area. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the zoning department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the township on reciprocal terms and was not accepted.

SECTION 2 - RESIDENTIAL DISTRICTS AND AGRICULTURAL DISTRICTS

Wireless telecommunications facilities, on a pole, lattice and/or guyed facilities are not permitted in agricultural or in single family or two family residential districts, excepting such facilities are conditionally permitted on any property containing an institutional use (e. g., church, municipal, government, utility) located in either residential districts subject to the following conditions:

A. GENERAL:

The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance. This shall apply to B, C and D below.

Collocation is highly encouraged. The applicant must demonstrate that there is no other space available either on an existing tower or structure in the service area. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the zoning department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the township on reciprocal terms and was not accepted.

B. COMBINED WITH A NONRESIDENTIAL USE:

An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility agricultural building, and a building or structure owned by a utility. The following conditions shall be met:

1. Maximum height: Twenty (20) feet above the existing building or structure.
2. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
 - a. The building shall comply with these minimum setback requirements:
Front: 75 feet back from center of road.
Side: 10 feet from lot line.
Rear: 40 feet from rear lot line.
 - b. The equipment building should not exceed 750 square feet, or the maximum square footage allowable for an "accessory" structure.
 - c. An eight (8) foot high security fence with barbed wire on the top shall surround the building.
 - d. A buffer yard shall be planted in accordance with Section 1 (D).

--Amendments--

- e. Vehicular access to the building shall not interfere with the parking or vehicular circulation on the site for the principal use.

C. LOCATED ON A RESIDENTIAL BUILDING:

An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise building subject to the following conditions:

1. Maximum height: Twenty (20) feet above the existing building.
2. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the following:
 - a. The building shall comply with the maximum setback requirements for the subject zoning district.
 - b. The equipment building should not exceed 750 square feet.
 - c. An eight (8) foot high security fence with barbed wire on top shall surround the building.
 - d. A buffer yard shall be planted in accordance with Section 1 (D).
 - e. Vehicular access to the building shall, if at all possible, use the existing circulation system.

D. LOCATED IN OPEN SPACE:

A wireless telecommunications facility is conditionally permitted on land that has been established as permanent open space, or a park subject to the following conditions.

1. The open space shall be owned by the municipality, county or state government, a homeowners association, or a private, nonprofit conservation organization.

2. Maximum Height;

Tower: 200 feet.

Equipment Building: (subject to the maximum building height for the district).

SECTION 3 - CRITERIA FOR A CONDITIONAL USE

WIRELESS TELECOMMUNICATIONS FACILITY

A wireless telecommunications facility may be permitted as a conditional use in a residential district. In order to be considered for review, the applicant needs to prove that a newly-constructed tower is necessary in that opportunities for collocation on an existing tower is not feasible. Collocation is highly encouraged. The applicant must demonstrate that there is no other space available either on an existing tower or structure in the service area. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the zoning department. (continued)

--Amendments--

Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another within the township on reciprocal terms and was not accepted. The following steps must also be taken for the application to be considered for review in this category:

- A. The applicant shall present documentation that the tower is designed in accordance with the standards established for wireless telecommunications towers.
- B. The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.
- C. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
- D. The applicant shall demonstrate that the telecommunications facility must be located where it is proposed in order to service the applicant's service area. If the facility includes a tower, there shall be an explanation of why other nearby structures, if any, cannot be used to support the antenna. Collocation is highly encouraged. The applicant must demonstrate that there is no other space available either on an existing tower or structure in the service area. A list of every tower building or structure that could potentially support a new antenna and provide service to the area is maintained by the zoning department. Any applicant for construction of a new tower must demonstrate that none of these locations are available for use. If there is an existing tower in the area, the applicant must show evidence that a request for such use was made and subsequently denied. Also, the applicant must show evidence that an offer was made to allow the owner of the other suitable tower to collocate an antenna on another tower within the municipality on reciprocal terms and was not accepted.
- E. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- F. No telecommunication tower shall be erected at a distance closer than the height of the tower plus twenty-five (25) feet from any property line, structure, road, or highway excluding any structure which is necessary for the express use of the telecommunication tower.
- G. No guy wire anchors shall be located closer than twenty-five (25) to any property line.
- H. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into adjacent areas.
- I. All permitted installations facilities shall be kept in a neat and orderly condition as to prevent injury to any single property, any individual or the township in general.
- J. Access roads shall be maintained in a dirt free and dust free condition.
- K. All structures and telecommunication tower components must be surrounded by a six (6) foot security fence.

--Amendments--

- L. The owners of all tower facilities, as part of the site plan review process, shall submit a plan of reclamation for both the tower facility and the tower site, in event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
- M. If at any time the use of the telecommunication tower is discontinued, the township zoning inspector may declare the facility abandoned. The facility's owner/operator will be contacted and instructed to reactivate the facility's use within 180 days. If reactivation does not occur, the conditional use permit will expire and the owner/operator will be required to dismantle and remove the facility. In the event the owner/operator (s) fails to comply, the land owner will be required to dismantle and remove the facility.
- N. All applicants shall provide proof of P.U.C.O. Registration Number at the time of application and renewal.
- O. No advertising shall be placed anywhere on the telecommunications tower or associated structures.
- P. All applicants shall provide a Justification Report explaining the need for a new tower instead of collocating on an existing tower or structure within the service area. This report should include written proof, by registered letters, that carriers have each been contacted, assuring that collocation was attempted and not feasible because of grid pattern inconsistency or inappropriate signal strength. A feasibility/engineering report should be furnished.
- Q. All applicants shall provide an Emergency Procedures Plan identifying who will be notified and what remedy processes will be used in case of emergency.
- R. All applicants shall provide proof of lease and permanent easement to the tower site through lease or fee simple ownership.
- S. All applicants shall provide proof of Federal Aeronautics Administration (FAA) and Federal Communications Commission (FCC) approvals and compliance.
- T. All applicants shall provide proof of a maintenance plan detailing maintenance scheduled and repair procedures and identifying facility owner/operator and/or maintenance contractor.
- U. An identification sign, 8" x 11" shall be posted at the entrance of the access road identifying names, street number and 24-hour emergency phone numbers so that fire and police emergency vehicles can locate the tower.
- V. Warning signs shall be posted on all sides of the security fence including emergency numbers and contacts.
- W. Conditional zoning certificates issued for a telecommunication tower will be issued as follows:

A two (2) year type:

The conditional zoning certificate is to be issued for a period not in excess of twelve (12) consecutive months subject to renewal for a twelve (12) consecutive month period, provided that the board of zoning appeals is satisfied that no detriment to persons or property is happening and in accord with this Article.

To Be Inserted in Section XV – Supplemental Regulations

T. Regulations for Small Wind Projects Consisting of One Unit less than 5MW For All Zoning Districts

SECTION 1

INTENT:

The intent of the small wind project resolution is to establish guidelines for the location of small wind projects in Ellsworth Township. The Township recognizes in some specific instances and under carefully controlled circumstances, it may be in the public interest to permit the placement of small wind projects consisting of one unit, less than 5 MW, in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation and environmental impacts and that small wind projects may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses. As such, this Article intends to:

- A. Protect residential and agricultural areas from any potential adverse impact from wind turbines.
- B. Permit said wind turbines in selected areas by on-site residential, commercial or industrial users, subject to the terms and conditions hereof.
- C. Ensure the public health, welfare and safety of the Township's residents in connection with wind turbines.
- D. Avoid potential damage to real and personal property from wind turbines or the failure of such structures and their related operations.

SECTION 2

DEFINITIONS:

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone is such that

if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall directly onto dwellings or accessory buildings, or intrude onto neighboring property, public roadways or interfere with any public utilities.

Cowling: A streamlined removable cover that encloses the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Guide Wire Tower: A tower which is installed in the ground and is secured with steel cables radiating out from the tower and fastened into the surrounding ground.

Nacelle: Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Megawatt (MW): A unit of power, equal to one million watts.

Small Wind Project: Any wind project, less than 5MW, which includes the wind turbine generator and anemometer and is connected to the public power grid pursuant to state regulations.

Monopole Tower: A single piece tower that is placed on a concrete pad.

Wind Power Turbine Owner: The person or persons who own the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height: The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

SECTION 3

WIND PROJECTS:

ALL Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects consisting of one unit, less than 5MW, and used **solely** for Agriculture will be exempt from zoning permit fees as an Agricultural Use. Any proposed construction, erection, or siting of a Small Wind Project, less than 5MW, including the wind turbine generator or anemometer or any parts thereof shall be a **Conditionally Permitted Use** in **ALL** Township Zoning Districts if the following conditions are met:

A. Conditional Use Permit

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

- vii. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public and utility right-of-ways, and neighboring property lines.
- viii. Evidence of an established setback from all adjacent property lines and Clear Fall Zone of 1.1 times the height of the wind project.
- ix. A maintenance schedule, as well as dismantling and reclamation plans that outline how the unit will be dismantled and the land reclaimed, shall be required as part of the permit.
- x. Verification from the Mahoning County Building Inspector that no additional regulations apply to wind project.
- xii. Color of the unit as well as location and size of manufacturer's identifying logo and model type.
- xii. Documentation from the utility company of how any excess power that the unit may generate will be handled.
- xiii. Documentation of how the issue of ice throws will be handled. Engineering data that reflects that setbacks and/or composition of the rotors will be sufficient to prevent damage from ice throw from blades is required.

B. Building Permits

1. All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and Mahoning County Building Regulations.

C. Maximum Height

1. The maximum height requirements for all other structures in the Township do not apply to wind turbines. The maximum height of any turbine tower shall be determined by the size of the lot on which it is sited; however no wind turbine shall exceed a height of 120 ft. For the purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower combined with maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of the ground.

D. Construction

1. Tower systems must be constructed with a monopole design. **Guide wire towers are prohibited.**

E. Setbacks

1. Any turbine tower erected on a parcel of land shall be setback 1.1 times the height of the tower, or established Clear Fall Zone, from all road right-of-way lines and all neighboring property lines and any other buildings or encumbrances. A turbine tower shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs, it shall be contained solely on the property where the turbine is located and shall not strike any structures including the primary dwelling, and accessory buildings or uses. Turbine towers shall be erected behind the primary dwelling, if one exists on the property where the turbine tower is located. Siting a turbine tower in front of the primary dwelling shall require a separate appeal to the Zoning Appeals Board.

F. Maintenance

1. Wind turbines shall be maintained in good working order. The current turbine tower owner or current property owner shall, within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine tower or small wind project and associated equipment shall be borne by the current wind turbine tower owner or current property owner. A wind turbine tower or small wind project is considered abandoned when it ceases transmission of electricity for 90 consecutive days. Wind turbine towers or small wind projects that become inoperable for more than 12 months must be removed by the current wind turbine tower owner or current property owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine tower or other small wind project, and reclamation of the land to reasonably restore it to its condition prior to the installation of the wind turbine tower.
2. Upon abandonment or removal of the Small Wind Project, the Conditional Use Permit shall be revoked by the Zoning Inspector.

G. Decibel Levels

1. Decibel levels shall not exceed 60 dBA as measured at the closest neighboring inhabited dwelling. Any and all noise complaints shall be

civil matters between property owners and handled through the county court system.

H. Wiring and Electrical Apparatuses

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall meet all applicable local, county, state, and federal codes including the Mahoning County Building Regulations and Residential Building Code of Ohio.

I. Fencing

1. The wind turbine tower shall be fenced with a minimum height of 6 feet and a maximum height of 10 feet, and shall be fenced in such a manner as to prevent unauthorized personnel from having access to its structure and any associated equipment.

J. Warning Signs

1. Appropriate warning signs to address voltage and trespassing issues shall be posted in a visible location on the fencing surrounding the wind turbine tower and shall conform to all existing sign requirements. Signage shall also display current emergency contact numbers.

K. Other Signage

1. All other signage or advertisement on the wind turbine tower or surrounding fencing is strictly prohibited.

L. Lighting

1. The only permitted lighting on a wind turbine tower is that required by the FAA or FCC.

M. Aesthetics

The following provision shall be applied to the aesthetic issue of wind turbines:

1. The turbine, including prop blades, turbine, cowling, tower, etc. shall remain in the color provided by the manufacturer, preferably a non-reflective neutral such as white or gray, with logos or identification marks other than those of the manufacturer and model type to be prohibited. NOTE: A requirement as to the color being neutral and non-reflective assures that the wind turbine will have less aesthetic impact on neighboring properties.