

Zoning Resolution

Fairfield Township

Columbiana County, Ohio July 30, 1997

Adopted Amendments: December 3, 2020

Effective: January 2, 2021

Reference #97-11759 ORV 603 p. 849

Amendments ZA 2002-01 through ZA 2002-17 recorded 12/18/2002
Amendments ZA-2003-01 through ZA-2003-06 recorded 01/07/2004
Amendments ZA-2006-01 recorded 01/22/2007
Amendments ZA2010-02 Book 1763 pg 665 11/15/2010
Amendment ZA2010-03 Book 1763 pg 669 11/15/2010
Amendment ZA 2010-05 Book 1763 pg 667 11/15/2010
Amendment ZA 2012-01
Amendment ZA 2019-01
Amendment ZA 2020-01

At a public hearing held on December 3, 2020, Trustee Garwood moved to adopt recommendations for amendments to the zoning resolution text made by the Zoning Commission on November 12, 2020. Robert Hum seconded the motion and roll being called: Mr. Hum, Yea; Mr. Miner, excused absence; Mr. Garwood, Yea.

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Article 100:
TITLE, PURPOSE, AND ENACTMENT

101: Title

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

102: Purpose

This Resolution is enacted for the purposes, authorized by the Ohio Revised Code, of promoting the public health, safety, morals, comfort, and welfare of the Township of Fairfield, Columbiana County, State of Ohio. It is enacted to regulate: the location, height, bulk, number of stories, and size of buildings and other structures; the percentage of lot areas which may be occupied; setback building lines; sizes of yards and other open spaces; the density of population; the uses of buildings and other structures; and the uses of land for trade, industry, residences, recreation, or other purposes in the unincorporated territory of Fairfield Township. It is enacted to divide the territory of the Township into districts or zones and to provide a method of administration and enforcement of these regulations.

103: Effective Date

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

104: Separability Clause

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

105: Repeal of Conflicting Resolutions

All resolutions or parts of resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

106: Provisions Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, or resolutions, or when any provisions of this Resolution are found to be in conflict one with another, then the most restrictive or that imposing the higher standards shall govern.

107: Relief

Nothing in the Zoning Resolution shall be interpreted to prevent any individual from seeking relief from the courts as provided for in the Ohio Revised Code.

Article 200: **ZONING DISTRICTS AND MAP**

201: Zoning Districts Established

For the purposes of this Zoning Resolution, the entire unincorporated area of the Township of Fairfield, Columbiana County, State of Ohio, is hereby divided into the following zoning districts:

- AR-1 Agricultural-Residential District
- R-2 Low Density Residential District
- R-3 Medium Density Residential District
- C-1 Local Commercial District
- C-2 General Business District
- C-3 Highway Commercial District
- I-1 Light Industrial District
- PUD Planned Unit Development Overlay District

202: Purposes of Districts

The unincorporated area of Fairfield Township is divided into zoning districts for the purpose of classifying, regulating, restricting, and separating the uses of land, buildings, and structures. Each zoning district shall be uniformly regulated within the area of such district for each class or kind of building or other structure or use.

The purpose for each district is as follows:

202.1 AR-1 Agricultural-Residential District

The purpose of the AR-1 Agricultural-Residential District is to promote the preservation of agricultural uses and to permit and regulate very low density residential use and other compatible uses in a manner which encourages: (1) the preservation and protection of open spaces which have historic, scenic, and recreational value; (2) the conservation of natural resources such as river valleys and tracts of forests; and (3) the limited development in areas having excessively high water tables, which are subject to flooding, or which are topographically or otherwise unsuited for intensive residential use.

202.2 R-2 Low Density Residential District

The purpose of the R-2 Low Density Residential District is to permit and regulate low density residential use and other compatible uses in areas which are not suitable to support higher densities due to lack of utilities, soil conditions, or inappropriate location, and to permit the conversion of some of these areas to higher density residential developments when connections and extensions of municipal or regional utilities are installed.

202.3 R-3 Medium Density Residential District

The purpose of the R-3 Medium Density Residential District is to permit medium density residential development in areas generally adjacent to the built-up sections of the Township, thereby providing an orderly and efficient extension of municipal or regional utilities.

202.4 C-1 Local Commercial District

The purpose of the C-1 Local Commercial District is to provide locations for businesses which provide personal services and convenience retail goods commonly purchased on a daily or weekly basis by residents of the Township and Village. Preferred locations of C-1 Districts shall be convenient to developed residential areas, regulated in the size and nature of business as necessary to protect the residential areas from negative impacts.

202.5 C-2 General Business District

The purpose of the C-2 General Business District is to provide locations for diverse businesses providing retail goods and services to the residents and businesses of the Township, in addition to other compatible uses.

202.6 C-3 Highway Commercial District

The purpose of the C-3 Highway Commercial District is to provide locations abutting the interchanges of regional freeways with local highways for uses necessary to serve the needs of persons traveling through the Township on those freeways, including such needs as fuel, vehicle repair, restaurants, and overnight accommodations.

202.7 I-1 Light Industrial District

The purpose of the I-1 Light Industrial District is to provide locations for industry, research, and administrative uses in a manner which promotes local employment and protects the agricultural, residential and commercial areas of the Township from the impacts of such uses.

202.8 PUD Planned Unit Development Overlay District

The purpose of the PUD Planned Unit Development Overlay District is to provide a alternative development option that further promotes the general public welfare, encourages the efficient use of land and resources, enables greater efficiency in providing public and utility services, and supports innovation in the planning and building of all types of development, for qualified properties in the Agricultural-Residential District (AR-1) and Low Density Residential District (R-2).

203: Zoning District Map

The boundaries of the zoning districts are shown upon a map titled “Zoning District Map – Fairfield Township, Columbiana County, State of Ohio” which, together with all data, references, explanatory material, and notations thereon, is part of this Zoning Resolution.

The original master copy of the Zoning District Map shall be identified by the original signatures of the Township Trustees, attested by the Township Fiscal Officer, under the following words: “This is to certify that this is the Zoning District Map of Fairfield Township, Columbiana County, State of Ohio.” The Map shall also bear the date of the adoption of this Resolution.

The original master copy of the Zoning District Map shall be retained by the Zoning Inspector, maintained current with amendments, and be available to the public.

204: Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of a district shown on the Zoning District Map, the following rules of interpretation shall apply:

- 204.1 Where a district boundary is indicated as approximately following the center line or right-of-way of a street, road, alley, or highway, such line shall be deemed to be the district boundary
- 204.2 Where a district boundary is indicated as approximately parallel to the center line or right-of-way of streets, roads, alleys, or highways, such district boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning District Map. If no distance is given, such dimensions shall be determined by use of the scale on the map.
- 204.3 Where a district boundary is indicated as approximately following lot lines, such lot lines shall be construed to be the district boundary.
- 204.4 Where a district boundary is so indicated as to not follow or parallel streets, roads, alleys, highways, or lot lines, but does not connect points established by the intersection of such lines, such straight lines connecting such points shall be construed to be district boundary.
- 204.5 Where a district boundary is so indicated as to follow topographic features, such lines shall be construed as following the center line of such features. The locations of such topographic features shall be determined by use of the scale of the Map.
- 204.6 Whenever any street, road, alley, or public way is vacated in the manner prescribed by law, the zoning districts adjoining each side of the street, road, alley, or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to the regulations of the extended districts.

205: Amendments to the Zoning District Map

Amendments to the Zoning District Map shall only be made as permitted by this Resolution in Section 708 and the Ohio Revised Code. Unauthorized amendments or changes shall be a violation of this Resolution.

The boundary lines of each amendment to a zoning district shall be described and attached to the original master copy of the Zoning District Map by the Zoning Inspector as a permanent record.

**Article 300:
DISTRICT REGULATIONS**

301: General

This Article establishes uniform regulations which shall be applied to all uses and structures within the districts. These regulations shall be administered, interpreted, and enforced together with all general and supplemental regulations of this Resolution.

302: Permitted Uses and Conditional Uses

The table identified as “Table 302: Permitted Uses and Conditional Uses” establishes the permitted uses and conditional uses which may be established in the respective districts, subject to conformance with all requirements of this Resolution.

303: Lot Area, Yard, and Height Requirements

The table identified as “Table 303: Lot Area, Yard, and Height Requirements” establishes the minimum requirements for lot area, lot width, lot frontage, depth of front yard, depth of rear yard, depth of side yards, and building height for all uses, buildings and other structures in the respective districts, subject to conformance with all requirements of this Resolution.

304: Uses Regulated by State and Federal Law Superseding Township Authority

No provision of this Resolution shall be interpreted or enforced in a manner contrary to or in conflict with the provisions of the Ohio Revised Code or of applicable federal laws and regulations.

This Resolution shall be interpreted and enforced to include and assume all authorities and powers of administration and enforcement specifically afforded and assigned to the Township by the Code and by federal laws with regard to regulation of all uses of land and buildings.

It shall be within the authority and responsibility of the Trustees, Zoning Commission, Board of Zoning Appeals, and Zoning Inspector, in the interest of promoting and maintaining the health, safety, and welfare of the Township, to investigate and pursue decisive legal interpretations and decisions, with regard to the applicability of such state and federal laws, and, further, to promote the creation, abolishment, or amendment of such laws in the interest of the Township.

**Table 302:
PERMITTED USES AND CONDITIONAL USES**

AR-1 AGRICULTURAL-RESIDENTIAL DISTRICT

Permitted Uses:

Single Family Dwelling (a)
Place of Worship
Home occupation, limited

Conditional Uses:

Aviation Facility
Bed and Breakfast Inn
Cemetery, crematorium
Commercial recreation area
Educational institution
Government building or facility
Home occupation, expanded
Kennel
Non-Commercial recreation
Place of worship, accessory use
Soil removal, gravel extraction
Temporary mobile home
Wireless telecommunications facility
Wind Turbines
Child Day Care (1 to 4 children)

R-2 LOW DENSITY RESIDENTIAL

Permitted Uses:

Single Family Dwelling (a)
Place of Worship
Home occupation, limited

Conditional Uses:

Cemetery
Commercial recreation area
Educational institution
Government building or facility
Hospital, clinic, nursing home
Home occupation, expanded
Limited commercial event
Non-commercial recreation
Place of worship, accessory use
Temporary mobile home
Wireless telecommunications facility
Child Day Care (1 to 4 children)

Table 302: (continued)

R-3 MEDIUM DENSITY RESIDENTIAL

Permitted Uses:

Single Family Dwelling (a)
Two Family Dwelling
Place of Worship
Home occupation, limited

Conditional Uses:

Cemetery
Educational institution
Government building or facility
Home occupation, expanded
Non-commercial recreation
Lodging or boarding house
Multi-family dwelling
Place of worship, accessory use
Adult group home
Group home for mentally or physically disabled
Temporary mobile home
Wireless telecommunications facility

C-1 LOCAL COMMERCIAL

Permitted Uses:

Retail uses, including only:
 Dairy store
 Drug store
 Florist, gift shop
 Grocery store, not exceeding 7,500
 square feet
Personal services, including only:
 Dry cleaning
 Laundry
 Barber, beauty shop
 Tailor, dressmaker
 Shoe repair
Place of Worship

Conditional Uses:

Place of worship, accessory use
Governmental building or facility
Professional office
Bed and breakfast inn
Funeral home
Bakery, delicatessen, meat market
Outdoor advertising
Educational institution
Child day care center,
 Type A or Type B Family Day Care Home
Outdoor display or storage
Similar use

Table 302: (continued)

C-2 GENERAL BUSINESS

Permitted Uses:

Finance, real estate, and insurance uses, including:

- Bank
- Accounting, auditing, bookkeeping
- Loan service
- Insurance office
- Holding, investment, trust office

Personal services and business services, including:

- Advertising
- News syndicate
- Employment agency
- Clinic, medical and health-related services
- Engineering, architecture, planning
- Legal service
- Printing, blueprinting, newspaper printing
- Dry cleaning
- Laundry
- Barber, beauty shop
- Tailor, dressmaker
- Home
- Shoe repair

Retail uses, including:

- Drug store
- Dairy store
- Book or stationary store
- Apparel, shoe, or jewelry store
- Florist, antique, or gift store
- Sporting goods store
- Optical goods store
- Furniture, home furnishings,
or office supply store
- Beverage store
- Restaurant
- Display or showroom
- Grocery store
- Monument sales, display
- Discount store, department store
- Bakery, delicatessen, meat market
- Other uses, including:
 - Medical or dental laboratory
 - Commercial greenhouse

Place of Worship

Conditional Uses:

- Place of worship, accessory use
- Government building or facility
- Multi-family dwelling
- Club, lodge, fraternal, or social organization
- Gasoline service station
- Automatic laundry
- Hotel, motel, bed and breakfast inn,
lodging or boarding house
- Sexually oriented business
- Hospital, emergency care center
- Veterinary hospital, clinic, or kennel
- Mini-storage
- Car wash
- Motion picture or theatrical playhouse
- Radio or television broadcasting station
- Funeral home, crematorium
- Child day care center
 - Type A or Type B Family Day Care
- Parking facility, if not an accessory use
- Outdoor advertising
- Wholesale use
- Vehicle sales, rental, leasing
- Drive-in establishment
- Tool or equipment rental
- Contractor shop
- Sales of building supplies
- Repair services
- Outdoor storage or display
- Educational institution
- Similar use
- Transient vendor

Table 302: (continued)

C-3 HIGHWAY COMMERCIAL

Permitted Uses:

Restaurant
Hotel, Motel

Conditional Uses:

Truck servicing, including fuel, food, sleeping rooms
Truck or transfer terminals, motor freight garages
Gasoline service station
Outdoor advertising
Parking facility, if not an accessory use
Drive-in establishment
Car wash
Transient vendor
Outdoor storage or display
Similar use

I-1 LIGHT INDUSTRIAL

Permitted Uses:

Greenhouse
Warehouse
Manufacturing uses, involving processing, fabrication, packaging, assembly, and related functions whether using machinery or labor and associated with the industrial operations of producing goods, components, and other related uses
Wholesaling and indoor or enclosed storage uses including transporting, storing, handling, or selling merchandise primarily to retailers, industrial, institutional, or professional uses, or to other wholesalers, or acting as agents in buying merchandise for such persons or organizations
Business service used including:
Duplicating, addressing, blueprinting, Stenographic, mailing, advertising
Business machine service or repair
Repair services
Trade services including establishments engaged in the general construction, maintenance, or repair of real or other tangible property

Conditional Uses:

Government building or facility
Truck or transfer terminal

Any permitted use or conditional use having retail activity as an accessory use
Parking facility, if not an accessory use
Office for administrative, executive, financial, sales, clerical, or drafting use, if not as an accessory use
Building material retail sales, including paint, glass, wallpaper, plumbing and electrical supplies, lumber, and other home improvement sales
Photographic development shop
Retail sales or rental of recreational vehicles
Farm implement sales
Movers, moving equipment with temporary limited storage of moved goods and related landscape materials
Aviation facility
Rental of miscellaneous goods and equipment including rental of trucks, trailers, other heavy equipment
Auto repair, including body shops, transmissions, motors
Research and development use including research relating to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations
Outdoor advertising
Mini-storage
Outdoor storage or display
Similar use

Table 302: (continued)

PUD PLANNED UNIT DEVELOPMENT OVERLAY

Permitted Uses:

Approved per plan

Conditional Uses:

Approved per plan

Table 303:

LOT AREA, YARD, & HEIGHT REQUIREMENTS

District	Minimum Lot Area	Minimum Lot Width (a)	Minimum Lot Frontage	Minimum Depth Front Yard	Minimum Depth Rear Yard	Minimum Depth Side Yard	Maximum Building Height
AR-1 Agricultural Residential	4 acres	200 feet	60 feet	100 feet	50 feet	25 feet	35 feet
<i>"Farm family exemption"</i>	1 acre (f)	100 feet	60 feet	100 feet	50 feet	25 feet	35 feet
R-2 Low Density Residential							
	1.8 acre	150 feet	60 feet	45 feet	45 feet	10 feet	35 feet
R-3 Medium Density Residential							
Single Family	22,000 sf	150 feet	60 feet	35 feet	30 feet	10 feet	35 feet
Two Family	26,000 sf	200 feet	60 feet	35 feet	30 feet	10 feet	35 feet
Multi Family	(b)	100 feet	60 feet	35 feet	30 feet	10 feet	35 feet
C-1 Local Commercial	0	0	0	35 feet	25 feet	(c)	35 feet
C-2 General Business	0	0	0	35 feet	25 feet	(d)	35 feet
C-3 Highway Commercial	0	0	0	35 feet	25 feet	(d)	35 feet
I-1 Light Industrial	½ acre	100 feet	80 feet	50 feet	25 feet (e)	25 feet (e)	35 feet
PUD Planned Unit Development	Approved per plan						

NOTES:

- (a) Measured at building line
- (b) 32,000 square feet of lot required for first three (3) units, plus 6,000 additional square feet for each additional unit
- (c) No side yard required except 30 feet on side adjacent to residential district
- (d) No side yard required except 50 feet on side adjacent to residential district.
- (e) Required to be 100 feet on side or rear yard adjacent to residential district.
- (f) No more than two (2) such lots shall be subdivided from a single farm unit. Such lots must be owned by a family member of the farm unit. Any additional lots subdivided from the farm unit shall comply with the district standards for four-acre lots.

Abbreviation "sf" used in this table means "square feet".

304: Special Provisions for Permitted and Conditional Uses

304.1 Home Occupation, Limited – Permitted

A home occupation which meets each of the following conditions is permitted in districts, as specified in Table 3.02:

- a) The owner of the premises shall reside in the dwelling unit being used for the home occupation;
- b) No person(s) other than the owner(s) of the premises shall operate the home occupation;
- c) Only one (1) person other than the owner(s) of the premises shall be permitted as an on-site worker;
- d) Operation of the home occupation shall be conducted entirely within the principal structure dwelling unit, and shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- e) Not more than twenty percent (20%) or five hundred (500) square feet of the gross floor area, whichever is less, of the dwelling unit shall be used for operation of the home occupation;
- f) No part of any accessory structure shall be used for business operations as relate to the home occupation other than parking;
- g) No structure and no part of the premises shall be altered to visibly evidence home occupation activity other than one (1) non-illuminated, flat advertising sign wall-mounted to the principal structure dwelling unit being used for the home occupation. Said sign shall not exceed two (2) square feet in area;
- h) All vehicles shall park entirely outside the road right-of-way in designated parking areas;
- i) No more than two (2) customer vehicles shall be parked on-site at any given time;
- j) Equipment, supplies and other materials used in the operation of the home occupation shall be stored entirely within an enclosed structure and not visible from the road nor surrounding property;
- k) Equipment or processes shall not be used in such home occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- l) There shall be no increased burden placed upon existing public services provided to the residence as a result of the home occupation;
- m) The property where the home occupation takes place must be compliant with current zoning standards and shall not include any violations;
- n) No activity shall be conducted or permitted which creates a nuisance to neighboring properties;
- o) Business hours shall not take place outside of the time period of 8:00 AM to 6:00 PM Eastern Standard Time, Monday through Friday, and the time period of 10:00 AM to 7:00 PM Eastern Standard Time, Saturday and Sunday; and
- p) The owner of the home occupation shall include a complete list of the business hours for the home occupation as part of the Zoning Permit application, and shall provide an updated list if and when they change during the course of operation.

304.2 Home Occupation – Conditional Use

A person may apply for a conditional use permit for a home occupation that does not comply with the regulations for a limited home occupation as permitted in Section 304.1. In order to be considered, the home occupation shall meet each of the following criteria:

- a) The owner of the premises shall reside in the dwelling unit being used for the home occupation;
- b) Only two (2) persons other than the owner(s) of the premises shall be permitted as an on-site worker;
- c) Not more than thirty-five percent (35%) of the principal dwelling unit structure and not more than twenty-five percent (25%) of one (1) accessory structure shall be used for operation of the home occupation;
- d) Retail sales incidental to and relative to the home occupation may be permitted within one (1) accessory building;
- e) Minor alterations to the principal and/or accessory structure used for home occupation operation may be made in accordance with the Zoning Resolution; said alterations shall not result in an increase of floor area square footage of any structure;
- f) Not more than one (1) advertising sign not to exceed twenty (20) square feet in area shall be permitted. No part of said sign shall exceed six (6) feet in height. Said sign may be down- or up-lit, but shall not be back-lit nor digitally lit. Said sign shall not include any moving parts nor text. Electronic signs are not permitted;
- g) No more than four (4) parking spaces reserved for customers of the home occupation and no more than six (6) parking spaces total shall be permitted. Said parking spaces shall not be located in the front yard;
- h) Equipment, supplies and other materials used in the operation of the home occupation shall be stored entirely within an enclosed structure and not visible from the road nor surrounding property;
- i) Equipment or processes shall not be used in such home occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- j) There shall be no increased burden placed upon existing public services provided to the residence as a result of the home occupation;
- k) The property where the home occupation takes place must be compliant with current zoning standards and shall not include any violations;
- l) No activity shall be conducted or permitted which creates a nuisance to neighboring properties;
- m) Business hours shall not take place outside of the time period of 8:00 AM to 6:00 PM Eastern Standard Time, Monday through Friday, and the time period of 10:00 AM to 7:00 PM Eastern Standard Time, Saturday and Sunday; and
- n) The owner of the home occupation shall include a complete list of the business hours for the home occupation as part of the Zoning Permit application, and shall provide an updated list if and when they change during the course of operation; and
- o) At the discretion of the Board of Zoning Appeals, a landscaping and screening plan and/or a storm water management plan may be required with submission to the Board of Zoning Appeals.

304.3 Wind Turbines – Conditional Use

- a) No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Inspector demonstrating compliance herein, except wind projects of 5MW or more. Such exempt projects 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 less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use.
- b) 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 Permitted Use in the Agriculture Residential (AR-1) zoning district exclusively.
- c) Height: The height of any turbine shall comply with the following:
 - 1. Turbines mounted on the ground: The maximum height of any turbine shall be one hundred and seventy-five (175) ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.
 - 2. Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus fifteen (15) feet.
- d) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:
 - 1. Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade.
 - 2. Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted.
 - 3. Turbines mounted on the ground or on a structure: The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.
- e) Maintenance: Wind turbines must be maintained in good working order. The 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 twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the 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.
- f) Decibel Levels: Decibel levels shall not exceed seventy (70) decibels, by design or at the location of the tower.
- g) Shadow Flickering: Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency

distribution and monthly average sunshine hours.

- h) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the Residential Building Code of Ohio.
- i) Signs: No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- j) Lighting: No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- k) Permits: All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio.
 - 1. A permit shall be required before construction can commence on an individual wind turbine project.
 - 2. As part of the permit process, the applicant shall inquire with the State Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports or runways.
 - 3. Applicant shall then provide the Township Zoning Inspector with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
 - i. Location of all public and private airports and runways in relation to the location of the wind turbine.
 - ii. A report demonstrating the total size and height of the unit, the construction details of any structural foundation, 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, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.
 - iii. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines, as well as soil and bedrock data.
 - iv. Evidence of established setbacks and "clear fall zone."
 - v. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

304.4 *Places of Worship, Permitted*

A place of worship which meets each of the following conditions is permitted in districts, as specified in Table 3.02:

- a) Minimum lot area shall be three (3) acres or equal to or greater than the applicable zoning district, whichever is greater;
- b) All access points shall only be located along county- or state-maintained roadway(s);
- c) All structures shall be setback a distance equal to or greater than the height of the structure or the applicable zoning district setback, whichever is greater;
- d) Accessory living quarters shall not be permitted;
- e) Accessory school and daycare buildings shall not be permitted;
- f) Accessory recreational facilities shall not be permitted; and
- g) Gross capacity of all gathering area(s) shall not exceed one-hundred (100) persons.

304.5 *Places of Worship Accessory Use, Conditional Use*

A property owner may apply for a conditional use permit for a place of worship that does not comply with the regulations for a place of worship as permitted in Section 304.4. In order to be considered, the place of worship shall submit a development plan in accordance with Section 406.2 and which meets the following performance standards:

- a) Proposed accessory use(s) shall not have an adverse impact on the existing character of the surrounding residential neighborhood, if any;
- b) A transportation management plan shall be submitted, as required by Board of Zoning Appeals, indicating expected impacts to traffic on all affected roadways;
- c) Where adjacent to residential use(s) and/or zoning district(s), the property owner shall include in its submission to the Board of Zoning Appeals a noise management plan indicating how and to what extent noise levels will be mitigated to protect subject residential use(s); and
- d) Where adjacent to residential use(s) and/or zoning district(s), the property owner shall indicate on the site plan how and to what extent the accessory use will be buffered from subject residential use(s).

305: Performance Standards for Uses in the I-1 Light Industrial District

Every permitted use and conditional use in the “I-1” Light Industrial District shall conform to the performance standards in this section and to the laws and regulations of the State of Ohio and of the federal government.

The purposes of these performance standards are: to prohibit the establishment of uses which engage in activities or use materials which are excessively hazardous or have significant negative impacts on surrounding properties; to ensure that all uses in the district will provide methods to protect the community from hazards and other negative impacts and effects which can be prevented by processes of control and nuisance elimination; and to protect uses from arbitrary exclusion or persecution based solely on the impacts and effects produced by any particular type of industry or activity in the past.

Compliance with these standards shall be required during all times of operation of the approved activity or use.

An existing use that does not conform with these performance standards shall not be enlarged or remodeled if the enlargement or remodeling will cause greater noncompliance with the performance standards than exist at the time the use becomes nonconforming.

305.1 *Performance Standards*

The following are the performance standards for uses in the “I-1” Light Industrial District:

- (a) Air Pollution
 - (1) Odor. No use shall be permitted to produce any odor which is discernible beyond any lot line of the lot upon which the use is located.
 - (2) Smoke. No activity, operation, or use shall, during normal operations, emit smoke of a visible density to the exterior of the building in which the use is located.
 - (3) or excessive humidity in the form of steam or moist air which has a perceptible Heat and humidity. No use, operation, or activity shall produce intense heat, objectionable impact beyond the lot lines of the property.

- (4) Dust and Particulate Matter. No use, operation, or activity shall exhaust or discharge into the air, outside of the building in which the use, operation, or activity is contained, any quantity of fly ash, dust, dirt, or other particulate matter except in conformance with the current air pollution standards of the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by OEPA.
- (b) Erosion. No erosion, either by wind or water or other natural forces, shall be permitted which will carry objectionable substances onto neighboring properties.
- (c) Water Pollution. No use, operation, or other activity shall emit solids, liquids, or other matter into or onto any body of water, stream, or the ground except in conformance with the water pollution control standards established by OEPA and pursuant to a valid discharge permit issued by OEPA.
- (d) Vibration. No use, activity or operation shall cause or create earthborne vibrations perceptible beyond the property line of the lot on which the use is located, especially to a degree of frequency, duration, or displacement which is objectionable or destructive to health or property.

Vibrations from temporary construction and vehicles which leave the lot (such as trucks) are excluded from compliance with this standard.

- (e) Electric or Electronic Disturbance. Production of electrical or electronic disturbances perceptible beyond the property line of the establishment, especially in such manner as to endanger human health or to interfere with the normal operation of equipment or instruments, shall not be permitted.
- (f) Noise. Proposed uses shall be so designed and operated as to minimize the creation of noise, especially noise which may be periodically or constantly perceptible outside of the building in which the use is located (including during such times as the loading bays, windows, or other openings in the building may be open) and which is perceptible in residential areas. The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond any lot line of the property on which the use is located:

Center Frequency Cycles per Second	Maximum Permitted Sound Pressure Level in Decibels
31.5	74
63	72
125	66
250	60
500	54
1200	50
2000	43
4000	35
8000	26

- (g) Glare and Exterior Lighting. Any operation producing intense glare shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare completely imperceptible from any point along the property line on the lot on which the use is located. Exterior lighting shall be so constructed and directed as to shield residential properties from direct glare.
- (h) Enclosure of Operations and Stored Materials, Outdoor Storage, Waste Disposal. Except as authorized by conditional use permit:
 - (1) All operations shall be conducted within an enclosed building; and
 - (2) All materials and equipment shall be used and stored within an enclosed building. The temporary storage of waste materials in conformance with these regulations and the daily parking of personal vehicles of employees shall be permitted.

No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces such as wind, water, or evaporation, cause fumes or dust, constitute a fire hazard, be edible by or otherwise attractive to rodents or insects.

- (i) Radiation Hazards. The use of radioactive materials shall not be permitted except as specifically permitted in a conditional use permit and/or subsequent to approval by the Board of Zoning Appeals. It is the general intent of this Resolution to not permit activities which require the use of significant amounts of radioactive materials, frequent transport of such materials into or through the community, or use in a manner with potential to cause harm to human health or to the environment. It is the general intent of this Resolution to permit the use of the amounts and types of radioactive materials required for certain types of low level equipment testing, laboratory research, medical testing and research, and similar uses.
- (j) Fire and Explosion Hazards. The storage, use or manufacture of materials in the I-1 District shall be regulated with the intent of protecting human life, protecting the natural environment, and protecting property while recognizing that certain fire and explosion hazards may be inherent in activities permitted in this district. Provisions for proper storage, use, and disposal of materials having fire hazard or explosive characteristics shall conform to the standards and requirements for such materials as established by the agencies and organizations having responsibility for regulating such materials, their storage and use, and by such organizations having responsibility for responding to emergencies involving such materials.
 - (1) The storage, use, and/or manufacture of solid materials or products ranging from free or active burning to moderate burning is permitted.
 - (2) The Storage, use, and/or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that such material is stored, used, or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

- (3) The storage or use of pyrophoric or explosive powders or dusts is permitted with approval of the Board of Zoning Appeals and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Board and subject to such conditions as they shall require for such activity. The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.
- (4) The storage or use of flammable liquids or materials which produce flammable or explosive vapors or gases is permitted with approval of the Board and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Board and subject to such conditions as they shall require for such activity.

The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.

- (k) Toxic or Noxious Matter. No use, operation, or activity shall emit or discharge toxic or noxious matter in any form, particularly as identified on the USEPA Extremely Hazardous Substances List, which may be detrimental to the public health, safety, or general welfare or which may endanger the natural environment. Provisions for the proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials as established by the USEPA and OEPA and as approved by the Board of Zoning Appeals.
- (l) Other Hazards or Impacts. Other hazards or potential hazards, potential nuisances, or other off-site effects of the proposed activity or use which are not common to uses permitted in the I-1 District or are not specifically addressed by the foregoing sections, (a) to (k) inclusive, shall be made known to the Zoning Inspector by the owner of the property proposing to establish the activity or use in the "I-1" Light Industrial District. The owner of the property shall submit a written statement with the application for the zoning permit describing any such other hazards or potential hazards or other off-site effects of the proposed activity or use. The property owner may make a statement that the proposed use will not involve or result in any such other hazards or impacts.

The Zoning Inspector may determine to refer such hazards or impacts to the Board for determination. The Zoning Inspector may refer an application for zoning permit to the Board if the Inspector determines that a proposed use may or will have impacts which are not consistent with these performance standards, conflict with the characteristics of the district as intended in this Resolution, or damage or impair property or property values in the district or in surrounding districts. Regulation or prohibition of such hazards or impacts shall be as determined by the Board.

305.2 *Procedures for Determining Compliance with Performance Standards*

The Zoning Inspector shall be responsible for administering and enforcing the performance standards.

Every property owner desiring to establish an activity or use, or to significantly change or expand an existing activity or use, in the “I-1” Light Industrial District shall submit to the Zoning Inspector, with the application for a zoning permit, statements, plans, information, and evidence describing the proposed use and compliance with each of the performance standards. The statements shall address each specific performance standard, identify any material, process or circumstance which has potential to violate each standard, and describe any practice, measure, guarantee, requirements, or other matter which mitigates the potential for nonconformance such that the use will be in conformance with the standards. Such submittal shall be in a form as required by the Inspector and shall be reviewed and approved by the Inspector prior to issuance of a zoning permit or certificate.

When the submittal does not confirm to the satisfaction of the Inspector that the proposed activity or use will comply with the performance standards, the property owner or the Inspector may request that the Board of Zoning Appeals makes a determination of compliance. In making such determination, the Board may require that the property owner provide additional information regarding the nature of the proposed use, the design of the site, the nature of the materials and processes, the effect of such designs, materials, and processes on human health and the environment, and other information as the Board deems necessary to make a determination. In making a determination of compliance, the Board may establish conditions for issuance of the zoning permit or certificate which will promote or ensure compliance. The determination of the Board shall be final.

The Board may authorize a proposed use which causes impact or effects in excess of these performance standards. Such authorization may be granted upon making findings that:

- (a) the location or configuration of the proposed use is such that its effects or impacts in excess of the performance standards will be compatible with and acceptable to surrounding existing or planned uses which will be impacted and
- (b) the nature of the anticipated impacts is such that the performance standards are inapplicable or inappropriate and the anticipated impacts can be appropriately controlled by conditions of the zoning permit or other means

The Zoning Inspector may, from time to time, undertake tests, evaluations, or investigations to determine if an approved use or activity complies or does not comply with these standards. The Inspector shall have the authority to investigate complaints alleging non-compliance with these standards. The Inspector may take appropriate action as deemed necessary to protect the public health, safety, and general welfare and to compel compliance with these standards.

Methods and procedures for the determination of the existence of any violation of these performance standards shall conform to either applicable methodologies prescribed by this ordinance or to applicable standard measurement procedures published by the American Standards Association, Inc., the Chemical Manufacturers Association, Inc., the United States Bureau of Mines, the National Fire Protection Association, the Ohio Environmental Protection Agency, and other recognized organizations whose standards are acceptable to the inspector.

When the inspector or the Board of Zoning Appeals determines that:

- (a) the information provided by the owner of a property is not sufficient to determine compliance with the performance standards without providing additional studies or expert advice; or
- (b) that the information provided by the owner is of such nature, complexity, or quality that the Inspector or the Board is not able to make a determination of compliance without additional studies or expert advice;

then the Inspector shall advise the owner that such studies or advice are required. The Zoning Inspector and the Board of Zoning Appeals may accept the required studies prepared by qualified professionals engaged by the owner or the owner shall deposit funds with the Township as required to pay for such studies or expert advice.

Article 400: General Regulations

401: General

The following requirements shall apply to uses, lots, yards, structures, and construction in all districts unless otherwise provided in this Resolution.

402: General Regulations for Uses

402.1 Uses Exempt from Regulations

Structures and land uses within Fairfield Township must be compliant with the regulations of the Zoning Resolution with the following exceptions and no zoning permit shall be required for structures incidental for such use(s):

- a) Agricultural Uses and Structures. Except as otherwise provided in Section 404.4 and otherwise herein and as authorized by the Ohio Revised Code, this Resolution does not prohibit the use of any land for agricultural purposes, as defined by the Ohio Revised Code, or the construction or use of buildings or structures incident to the use for agriculture as so defined of the land upon which such buildings or structures are located. No zoning permit shall be required for any such building or structure.
- b) Public Utilities and Railroads. Except as otherwise provided herein and as authorized by the Ohio Revised Code, this Resolution does not regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.
- c) Essential services shall be permitted as authorized and regulated by other laws.

402.2 Prohibited Uses

Any use which is not specifically listed as a permitted use or a conditional use in Table 302: Permitted Uses and Conditional Uses for one or more of the districts of the Township is a prohibited use unless otherwise approved according to the requirements and procedures established in this Resolution.

402.3 One Dwelling Per Lot

Not more than one (1) dwelling shall be permitted on any lot unless otherwise provided in the Resolution.

402.4 Conversion of Dwellings

A building shall not be converted to accommodate an increased number of dwellings unless the proposed dwellings and lot conform with all the requirements for new dwellings in the district, including the permitted number of dwellings, all yard and lot dimensions, floor area for each dwelling, and parking spaces.

402.5 Temporary Uses – No permit or fee shall be required

Garage Sales. Private sales of used household goods (“garage sales”) are permitted in residential districts provided that such sales are:

- a) conducted on a lot having a dwelling;
- b) limited to two (2) sales per year per lot;
- c) limited in duration to no more than four (4) consecutive days per sale

403: General Regulations for Lots and Yards

403.1 *Preserving Minimum Lot and Yard Dimensions*

No lot held under one ownership on which a building or buildings are located at the time this Resolution becomes effective shall be reduced or subdivided such that the resulting lot width, lot area, or yard dimensions of any lot are less than the minimum requirements of this Resolution.

403.2 *Street Frontage*

Every lot shall have frontage upon a public road or a paved private road.

403.3 *Corner Lots*

On a corner lot, the main building shall be located at least as far from both street right-of-way lines as required for a front yard in the district in which the building or structure is located.

No obstruction over two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except shade trees pruned from the ground up to at least eight (8) feet above the established grade of the roadway.

403.4 *Projections from Main Building into Required Yards.*

Ordinary minor projections of the main building, such as sills, cornices, beltcourses, eaves, similar ornamental features, and window wells not used as a fire escape may be permitted to project into a required yard a distance not to exceed two and one half (2.5) feet.

A fire escape or open stair with necessary landing may project into a required yard a distance no greater than four (4) feet.

Common mechanical equipment for heating and cooling, such as air conditioning or heat pump units, chimneys and flues, may be permitted to project into a required yard a distance not to exceed five (5) feet. An open, unenclosed porch or paved terrace (except for railings or banisters) may project into a front yard a distance not to exceed fifteen (15) feet. The aggregate width of any projection described in this paragraph shall not exceed one third (1/3) of the length of the wall upon which it is located.

All other projections of the main building, including but not limited to decks, porches, carports, canopies, and balconies, shall be considered as part of the building to which attached and shall comply with the yard requirements for the main building or, if not attached to the main building, shall comply with the yard requirements for accessory buildings or structures.

403.5 *Exceptions to Residential Front Yard Requirements*

In any residential district, on a lot located on a block front on which fifty percent (50%) or more of the block front has been developed with front yards which are less than the required depth, the front yard for a new dwelling or for an addition to an existing dwelling may be modified to a yard depth not less than the average of the depths of the existing yards on the block front.

404: Regulations Relating to Structures and Construction

404.1 Construction Begun Prior to this Resolution

Nothing contained in this Resolution shall hinder the construction of a building or prohibit its use if construction has started before the effective date of this Resolution provided that a zoning permit has been obtained and provided that such building is completed within two (2) years from the effective date of this Resolution.

404.2 Building Height

- a) Except as otherwise provided in this Resolution, no building shall be erected, converted, enlarged, constructed, or structurally altered to exceed the maximum height established in Table 303: Area, Yard, and Height Requirements.
- b) The height limitations contained in this Resolution do not apply to:
 1. Penthouse or roof structures for the housing of elevators or stairways;
 2. Water tanks;
 3. Fire or parapet walls;
 4. Skylights;
 5. Stage lofts and screens;
 6. Steeples;
 7. Flagpoles;
 8. Smokestacks;
 9. Spires;
 10. Belfries;
 11. Cupolas;
 12. Windmills;
 13. Silos;
 14. Ventilators;
 15. Chimneys;
 16. Domes, not intended for human occupancy;
 17. Transmission towers;
 18. Monuments;
 19. Radio towers,
 20. Conveyors;
 21. Derricks; and
 22. Other appurtenances usually required to be placed above the roof level to operate and maintain the building and not intended for human occupancy, except that such structures or parts of structures shall not exceed a height greater than fifteen (15) feet higher than the district height limit.
- c) A government building or educational institution may be erected to a height not to exceed 45 feet in any district. A place of worship may be erected to a height not to exceed 75 feet provided that the building is set back from each minimum yard line at least one additional foot for each foot of additional building height above the maximum height permitted in the district.

404.3 Temporary Buildings

The following portable structures shall comply with the listed standards and comply with the standards of Section 405 herein.

Temporary Construction Buildings and Structures. Subsequent to issuance of a zoning permit, a temporary building, tool shed, construction trailer, or other temporary structure used in conjunction with construction work shall be permitted in any district during the

actual progress of construction work and shall immediately be removed upon completion of construction. Such structures shall not be used as dwellings.

Temporary Mobile Home under Emergency Circumstances. When a dwelling is damaged or destroyed by fire, flood, tornado, or other catastrophic event to such an extent that it is unfit for human habitation, then the property owner may make an application to the Zoning Inspector to place a temporary home on the property until the original permanent dwelling is repaired or replaced. If the Zoning Inspector determines that an emergency exists with regard to providing housing for the displaced family, then the Zoning Inspector shall be authorized to issue a permit for the temporary home at no cost. The permit shall be subject to the following conditions:

- 1) The applicant shall provide evidence that a genuine emergency exists in terms of providing shelter for the former occupants of the damaged dwelling.
- 2) The Applicant shall provide evidence of his/her intent to repair or replace the original dwelling, of his/her ability to do so, and of his/her plans for proceedings with and completing the necessary construction.
- 3) The temporary home shall be installed in a manner which complies with the regulations of the County Health Department and shall only be installed subsequent to obtaining the required permits.
- 4) The temporary home shall be located no less than five (5) feet from the side and rear property lines of the lot and no closer to the public right of way than twenty (20) feet.
- 5) The conditions for approval of a temporary homes shall include the requirement that the temporary home be removed within one year of the date of installation. An extension of the one year deadline may be granted by the Board of Zoning Appeals via an application for Conditional Use provided that substantial progress is being made on the construction of the replacement residence and a new deadline is established

Portable plastic, vinyl, and canvas or other such construction material structures with pipe frame bases shall be deemed temporary structures. No permit will be required if the structure is 100 square feet or less. Anything larger than that will require a permit. The structure may be used as a temporary garage for intact motorized vehicles and marine equipment and must be kept in good repair.

404.4 Agricultural Regulations

The following standards shall apply to agricultural uses:

- a) Agricultural uses are prohibited on lots with less than one (1) acre of lot area. Nothing herein shall prohibit growing produce for domestic use or sale, so long as it does not constitute a nuisance. Additionally, any residents, under the age of eighteen (18) may house and raise up to two small animals under the weight of 150 lbs., if they are housed indoor or otherwise kept in an fenced area that does not create a nuisance. A nuisance may include regular trespass, excessive noise or odor
- b) Agricultural structures shall meet applicable building height, size, and setback requirements on lots of less than five (5) acres of lot area and within either a platted subdivision or part of a non-platted area consisting of a minimum of fifteen (15) contiguous lots.

- c) An agricultural roadside stand, for the purpose of selling seasonal agricultural goods, is permitted in any district. Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of a least four (4) vehicles and to permit vehicles to enter and exit the public right-of-way in a forward facing direction.
- d) The following standards apply to accessory agricultural farm market uses:
 - 1) *Size of structures.* Agricultural farm market structures shall not be greater than ten thousand (10,000) sq ft in gross floor area.
 - 2) *Parking areas.* Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of one (1) vehicle per two-hundred (200) sq ft of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
 - 3) *Setbacks for buildings.* Buildings shall comply with applicable zoning regulations of the district.
 - 4) *Access.* Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.
- e) The following standards apply to accessory agritourism uses:
 - 1) *Parking areas.* Unpaved or gravel parking areas may be provided for the use of customers of a roadside stand provided that such parking areas are located on the lot outside of the public right-of-way, and are of sufficient size and adequate layout to permit parking of one (1) vehicle per two-hundred (200) sq ft of gross floor area. Parking areas shall be maintained to prevent travel of debris such as mud, dust, gravel, etc. onto roadways and adjacent properties.
 - 2) *Setbacks for buildings.* Buildings shall comply with applicable zoning regulations of the district.
 - 3) *Access.* Vehicles shall be able to enter and exit the public right-of-way in a forward-facing direction.

404.5 Business Displays

In all commercial districts and industrial districts, and on the sites of all non-conforming commercial and industrial uses, all business, service, and merchandise displays shall be maintained, conducted, and stored within a completely enclosed building except as otherwise permitted in this Resolution.

404.6 Minimum Floor Areas of Dwellings

No building shall be erected, reconstructed, or converted for use as a dwelling unless the following floor area is provided:

- (a) Single-family detached, single-family attached, and two-family dwelling:
 - * With basement: 1100 square feet
 - * Without basement: 1200 square feet
- (b) Multi-family dwelling:
 - * Efficiency dwelling: 250 square feet

- * One bedroom dwelling: 500 square feet
- * Two bedroom dwelling: 750 square feet
- * Three bedroom dwelling: 1000 square feet
- * Four or more bedroom dwelling: 1250 square feet

405: Accessory Uses and Structures

405.1 General

Except as specifically provided by the Resolution, uses and structures which are interpreted by the Zoning Inspector or by the Zoning Commission to be accessory uses or accessory structures may be established or constructed on a lot prior to constructing a main use structure only if valid building and septic permits for the main structure have been obtained. An accessory use or accessory structure shall be permitted in any district provided that:

- (a) it is incidental to and customarily found in connection with the main uses or main building permitted in the district;
- (b) it is subordinate to and serves the main use or building;
- (c) it is located on the same lot as the main building or main use which it serves;

Except as specifically provided by this Resolution, uses and structures which are interpreted by the Zoning inspector or by the Zoning Commission to be accessory uses or accessory structures may only be established or constructed on a lot having a legally exiting main use and main building.

Except as otherwise provided in this Resolution, an accessory structure:

- (a) shall not be located closer to front street line than the main building;
- (b) shall not be located closer than fifteen (15) feet to any side or rear lot line;
- (c) shall not be located closer than fifteen (15) feet to a main building;
- (d) shall not occupy more than thirty percent (30%) of the required rear yard
- (e) shall not contain facilities for dwelling purposes.

No more than two (2) accessory buildings shall be permitted on one lot.

405.2 Swimming Pools

A swimming pool shall conform with all yard and setback requirements for accessory structures in the district in which it is located. Fees shall be based on measurements and requirements used for accessory structures with the exception of temporary pools. Temporary pools are those intended by the manufacturer to be dismantled and drained entirely each season. If such pool is still in place in any manner on November 1st, the Zoning Inspector will warn the owner and charge a permit fee if pool is not dismantled and removed within fifteen days of written notice from Zoning Inspector.

Every in-ground pool shall be completely surrounded by a fence or wall not less than four (4) feet in height which is constructed with no openings, holes, or gaps larger than three (3) inches in any dimension. Doors or gates in such fence or wall shall be equipped with locking devices to prevent unauthorized entry. An accessory building may be constructed inside of or as part of such enclosure.

Note deletion of amendment 98-ZA-03 which disallowed swimming pools in side yards. That amendment was rescinded via ZA-2003-04 (recorded 01-07-2004 File 2004-00000316)

405.3 *Fences and Walls*

A fence or wall shall be permitted in any district in compliance with the following provisions:

- a) No fence shall be constructed of materials or in a manner or location which constitutes a hazard to the safety and welfare of the general public. Fences and hedges shall conform to the corner lot provisions of this Resolution.
- b) No fence shall be constructed to a height greater than eight (8) feet above the natural grade in back, except that no fence shall be constructed at a height of greater than four feet in the front yard of any lot.
- c) Any gated or ungated opening in a fence shall be designed and located to permit an automobile to completely exit the right-of-way onto the lot unobstructed.

405.4 *Satellite Dish Antennas*

A satellite dish antenna (also known as a satellite T.V. receiving antenna or dish-type satellite earth station antenna) shall be permitted in any district in compliance with the requirements for an accessory structure, except that such antennae may be roof-mounted.

406: Architectural Design Review Requirements

406.1 *Purposes*

The Board of Trustees may appoint an Architectural Review Board, as permitted in the Ohio Revised Code, for the purposes of reviewing site plan submissions for uses other than single- or two-family residential dwellings. If appointed, member(s) of the Architectural Review Board shall clearly document conformance with the standards of Section 505 and otherwise set forth in this resolution. The purposes of the requirement for site plans are: to clearly document conformance with the provisions of this Resolution; to ensure proper design for efficient use of land; to protect adjoining properties from adverse impacts; and to promote high-quality development. This section provides specific site plan standards and requirements for design and construction for uses other than single family and two family dwellings.

406.2 *Site Plan Required*

A site development plan is required and shall be submitted for any use other than a single family or two-family dwelling and for development involving new construction, reconstruction, or expansion of a structure other than a single-family or two-family dwelling. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Zoning Inspector for review and approval, and a zoning permit has been issued for the use or structure.

The site development plan provisions of this Section 406 do not apply to the review and approval of subdivisions for single-family or two-family dwellings which are regulated by the provisions and procedures established by the Ohio Revised Code. The provisions of this Section do apply, however, to the review and approval of site plans for any use, other

than single-family or two-family dwellings, proposed for a lot within a subdivision platted for single-family or two-family dwellings.

406.3 Preparation of Site Plan, Information Required

A site plan shall be prepared and certified by an architect, engineer, or land surveyor duly registered by the State of Ohio. The plan shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1"=100').

A site plan shall include the following:

- (a) The name of the owner and developer; north arrow; date; scale; zoning classification of the subject lot;
- (b) The names of the owners, zoning classifications, and present uses of the adjoining parcels;
- (c) A boundary survey;
- (d) Existing topography and proposed finish grades, drawn at a maximum contour interval of two (2) feet;
- (e) Location and dimensions of all existing and proposed structures, off-street parking, fencing, screening, buffers, drives, walkways, and other physical features;
- (f) Facilities for management and disposal of storm water in accord with the provisions of this Resolution;
- (g) All existing and proposed sanitary sewer facilities or septic system disposal systems, indicating pipe sizes, types, grades, invert elevations, and location of manholes, primary and secondary septic leach fields;
- (h) All existing and proposed water facilities including sizes and locations of lines, hydrants, wells, pump houses, dry hydrants, and related facilities;
- (i) Provisions for storage and removal of solid waste, including required screening of any permitted exterior storage;
- (j) Proposed landscaping and plantings;
- (k) Proposed building elevations;
- (l) Location and dimensions of all curb cuts, culverts, and access drives;
- (m) Documentation from the Columbiana County Health Department confirming that sufficient water and sanitary sewer system capacity exists to accommodate the proposed water and sanitary sewer system capacity exists to accommodate the proposed development, or, if an on-site sewage disposal system is proposed, documentation confirming that appropriate soils and land area for such system exist on the site.

406.4 Submittal

In order to promote site plan design consistent with the provisions of this Resolution and with the plans of the Township, and to facilitate the orderly and timely review of the site plan, the site plan applicant is encouraged to request early and informal discussions with the Zoning Inspector prior to submitting a formal application.

The applicant for a site plan review shall submit three (3) copies of a site plan to the Zoning Inspector with a completed application for a zoning permit.

406.5 Review

The Zoning Inspector shall review a site plan for conformance with the provisions of this

Resolution and submit each site plan and the results of his review to the Architectural Review Board.

The Architectural Review Board shall, within thirty (30) days of the date on which the complete plan and application for zoning permit is submitted to the Zoning Inspector, take action to approve the application, approve with modifications or conditions, or deny with cause, except that the applicant may agree to a longer period of review.

The Architectural Review Board may seek review of a site plan by an independent engineer or planner or seek such other expert advice or cause to have such other studies made as it deems necessary to determine the conformance of the site plan with the provisions of this Resolution. The cost of such consultant review shall be paid by the applicant. The Board shall direct the applicant to deposit with the Trustees an amount, not to exceed the maximum amount, to pay for such costs. Upon completion of the studies, any remaining balance shall be returned to the applicant. The cost of such studies shall be in addition to such other fees established by the Trustees for processing and review of site plans.

406.6 Design Standards

A site plan shall conform to the following standards:

- (a) Development features, including but not limited to buildings, parking areas, and driveways shall be located and designed to minimize adverse impacts on adjacent properties. Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.
- (b) Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography. Where located adjacent to a residential district, required set back areas shall be maintained with natural vegetation and shall have supplemental plantings to provide visual protection and sound attenuation.
- (c) Parking and service areas shall be screened from view from adjoining residential properties by means of landscaping, ornamental walls, fences or similar features.
- (d) Parking areas containing more than twenty (20) spaces shall be afforded visual relief, reduction of heat gain, and dust control by the location and construction of landscaped dividers or islands.
- (e) The architectural design of buildings shall be, to the greatest extent possible and appropriate, compatible and/or complimentary with buildings on adjacent properties in terms of building height, mass, texture, materials, line, pattern, and character.

406.7 Development in Conformance with Site Plan

The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, truck loading and unloading areas, curb cuts, traffic control devices, activity areas, and the installation of landscaping, fences and walls, and other features of the site shall conform with the approved site plan.

ARTICLE 500: PARKING AND LOADING REQUIREMENTS

501: Purpose

The purpose of this article is to ensure that off-street parking and loading facilities are provided in all districts in a manner and amount adequate to meet the needs of uses and properties hereafter established or altered, to promote efficient vehicular movement and storage, and to minimize impacts on public rights-of-way and private properties.

502: General Requirements

In all districts, whenever a building, structure, or use of land is established, erected, reconstructed, enlarged, moved, or increased in capacity, off-street parking and loading facilities shall be provided in conformance with the provisions of this Resolution.

Whenever a building or use is changed in floor area, number of employees, number of dwelling units, seating capacity, or in a manner which otherwise creates a need for an increase in the number of parking or loading spaces, such spaces shall be provided on the basis of the enlargement or change in conformance with the requirements of this Resolution

503: Required Parking Spaces

The table identified as Table 503: Required Parking Spaces establishes the minimum requirements for the number of parking spaces for each use of land or building.

504: Determination of Required Parking and Loading Spaces

The number of parking and loading spaces and the appropriate locations of drives, aisles, landscaped areas, lighting, and other related improvements required for a use shall be as determined by the Zoning inspector in conformance with the provisions of this Resolution.

For uses for which off-street parking requirements have not been specifically stated herein, parking and loading facilities shall be provided as determined by the Board of Zoning Appeals to be sufficient for the parking and loading needs of the proposed use and structures.

For uses for which required parking is based on number of dwelling units, floor area, seats, or beds, the number of required parking spaces shall be determined from drawings provided by the owner of the property and as may be further confirmed by measurement of the structure or area of use. When calculation of required parking results in a fraction, then one additional parking space shall be provided if the fraction is greater than one half (1/2 or .50).

For properties having mixed or multiple uses, the number of required parking spaces shall be the sum of those required for the various uses computed separately, except as otherwise provided in the Resolution.

**Table 503:
REQUIRED PARKING SPACES**

<u>Use</u>	<u>Parking Spaces Required</u>
Dwelling	2 spaces per dwelling unit
Business or professional office, bank, studio	4 spaces per 1,000 square feet of floor area
Medical, dental office, clinic	7 spaces per 1,000 square feet of floor area
Hotel, motel, lodging/boarding house, bed and breakfast inn	1.25 spaces per guest room
Restaurant, tavern, bar	1 space per 2 seats
Retail store, personal service shop	4 spaces per 1,000 square feet of floor area
Shopping center	5 spaces per 1,000 square feet of floor area
Automobile repair garage	2.5 spaces per 1,000 square feet of floor area
Place of worship, auditorium, theater, stadium	1 space per 4 seats in principal auditorium
Club, lodge	1 space per 150 square feet of floor area or 1 space per 3 seats in the assembly room, whichever is greater
Library, museum	1 space per 500 square feet of floor area
Single-occupant industrial building	1 space per 700 square feet of floor area, minimum 8 spaces
All other industrial buildings	3 spaces per 1,000 square feet of floor area, minimum 10 spaces

505: Design Standards for Parking and Loading

505.1 *Location*

Parking spaces required for a dwelling unit shall be provided on the same lot as the dwelling unit.

Parking spaces required for a use other than a dwelling unit shall be located on the same lot as the use or in a location within five hundred (500) feet of the use as measured along lines of public access to the property. The owners of two or more separate uses or lots may establish a joint parking area to provide the total number of required parking and loading spaces, subject to the approval of the Board of Zoning Appeals and subject to such conditions as the Board may impose.

Required parking or loading facilities for a use on a lot shall not be permitted on any public right-of-way except as approved by the Board of Zoning Appeals and by the Township Trustees. The extent to which such facilities satisfy the parking and loading facilities required for an existing or proposed use shall be determined by the Board of Zoning Appeals.

505.2 *Access*

Adequate ingress and egress from the public right-of-way and within a parking lot shall be provided for all parking and loading spaces. Access drives shall be located to minimize conflict with vehicular and pedestrian traffic in the public right-of-way. Access for all parking and loading facilities (except those required for single-family or two-family dwellings) shall be designed to permit any vehicle entering or leaving the premises to be traveling in a forward motion.

No more than two access drives shall be permitted for each street frontage of a lot. Access drives shall not exceed 20 feet in width at the right-of-way line nor more than 30 feet at the curb cut line on the street. An access drive for a dwelling shall be a minimum of 8 feet in width.

505.3 *Parking Space*

An off-street parking space shall be an area with a width of not less than ten (10) feet and a length of not less than twenty (20) feet exclusive of access drives, aisles, and loading spaces.

505.4 *Loading Space*

Every building or lot used for a purpose other than a dwelling, which customarily receives or distributes materials or services by motor vehicles shall provide sufficient space for all loading and service purposes. A loading space shall be provided as an area having a minimum dimension of twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in vertical clearance. A loading space shall not include any area which is a required parking space, access drive, or aisle. Access to a loading space shall be located and designed to prevent obstruction of any public right-of-way by vehicles entering, exiting, or using the loading space.

Every building, other than a dwelling, having over five thousand (5,000) square feet of gross floor area, shall provide at least one (1) loading space. At least one (1) additional loading space shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof of gross floor area.

505.5 *Setbacks*

Off-street parking and loading facilities, with the exception of access drives leading from the public right-of-way to aisles or spaces, shall be located as follows:

In the AR-1, R-2, and R-3 Districts, required parking facilities shall not be located in a required front or side yard.

In the C-1, C-2, C-3, and I-1 Districts, parking and loading facilities shall not be located closer to any public right-of-way than twenty (20) feet. An area of at least twenty (20) feet in width, located between the parking or loading facilities and the public right-of-way, shall be landscaped according to the provisions of this Resolution.

In the PUD parking and loading facilities shall be approved per plan.

In all districts, parking and loading facilities shall not be permitted closer than five (4) feet to any lot line.

505.6 *Surface Water Drainage Systems*

Parking and loading facilities shall be designed to direct surface water into an adequate storm drainage system. Plans for the collection, on-site retention, and off-site disposal of surface water shall be submitted with the application for a zoning permit and shall be constructed as approved in the permit.

Storm runoff provisions shall be designed based on a minimum ten (10) year frequency storm. The storm drainage calculations shall be submitted with the site plan. The proposed outlet for storm drainage shall be identified and an evaluation made of its capacity to accommodate the projected flows.

All proposed water and sanitary disposal systems shall be designed and constructed in accordance with the standards and requirements of the County Health District, the Ohio Environmental Protection Agency, and of any appropriate utilities.

Where adequate capacity to handle projected flows does not exist in the existing system, or where there is no acceptable outlet, the applicant shall provide for either improvement of the receiving drainage facility or on-site detention of sufficient capacity and design to reduce post-development storm runoff to pre-development levels for all design storms of ten-year frequency or less. Site grading plans and storm water drainage facilities shall be reviewed by the County Engineer.

505.7 *Lighting*

Lighting shall be installed in a manner which directs the light away from adjoining lots and from public rights-of-way. Open light sources, such as the stringing of light bulbs, shall not be permitted. Exterior lighting shall be shaded wherever necessary to avoid casting direct light on any residential use and any property located within an AR-1, R-2 or R-3 district.

505.8 Residential Buffers

The construction and maintenance of residential buffers shall be required for any use which is established on a property which is located within a C-1, C-2, C-3, or I-1 District and which has a rear or side lot line abutting a property which is located within an AR-1, R-2, or R-3 District or existing residential use. Residential buffers shall be installed and maintained in the area(s) located between the rear or side lot lines abutting such residential districts and a line located on the subject property, parallel to and ten (10) feet distant from the common property line. Within these residential buffer areas, the property owner shall install screening which includes such combination of evergreen shrubs, deciduous shrubs and trees, earth mounds, fences and walls. The following provisions shall apply with respect to screening and will be considered by the Architectural Review Board during review and approval of the site plan:

- a) Screening may consist of one of the following, or a combination of two or more, as determined by the Architectural Review Board, or by the Board of Zoning Appeals in the event of an appeal, variance or conditional use:
 - 1) A solid masonry wall;
 - 2) A solidly constructed decorative fence;
 - 3) Dense vegetative plantings; and/or
 - 4) Landscaped mounding.
- b) Height of screening shall be in accordance with the following:
 - 1) Walls and fences constructed for required screening shall be a minimum of six (6) ft. high;
 - 2) Vegetative plantings and landscaping installed for required screening shall be at least four (4) ft. tall at time of planting and maintained at a mature growth height of at least six (6) ft. tall;
- c) All screening shall be maintained in good condition and free of all signage except that which may be provided for directional wayfinding.

506: Termination of Use

Within thirty (30) days of the date on which a use of a lot (other than a dwelling) is terminated, the owner shall install a barricade at all points of vehicular access in a manner approved by the Zoning Inspector.

**Article 600:
SIGN REGULATIONS**

601: Purpose and Applicability

The purpose of this Article is to provide regulations to control the type, design, size, time of display, location, maintenance, and other characteristics of signs in order to: protect the public health, safety, and welfare in all districts; promote clarity in sign communications; promote harmony between and among the physical characteristics of signs and the physical characteristics of surrounding land, structures, and other development features; and to promote attractive and orderly appearance in all districts.

The provisions of this Resolution shall apply to any sign erected or constructed after the effective date of this Resolution and to any sign which replaces an existing sign or component thereof.

602: Permitted Signs

Signs are permitted in the respective districts as established in “Table 602: Permitted Signs” and as further provided in this Article.

603: Signs Authorized with Conditional Use Permit

603.1 Outdoor Advertising Sign

An outdoor advertising sign may be authorized in conformance with the provisions of the Ohio Revised Code and with the provisions of Section 703 of this Resolution pertaining to conditional use permits.

604: Signs Permitted in All Districts Without a Permit

A permit shall not be required for the following signs, provided such signs conform in all respects with the provisions of this Resolution:

604.1 Memorial Signs

A memorial sign or tablet, which may include the name of the building and the date of erection, may be installed as a permanent element of the building, shall not have an area exceeding six (6) square feet, and shall not be illuminated.

604.2 Awning or Canopy Sign

The name of the owner and the business, industry, or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side portions of an awning or canopy.

604.3 Nameplate

A nameplate not exceeding one square foot in area, containing the name of the resident, title of person practicing a profession, or name of a building.

Table 602:

PERMITTED SIGNS

	MAXIMUM NUMBER PER LOT	MAXIMUM SURFACE AREA (D) (in square feet)	MAXIMUM HEIGHT (in feet)	MINIMUM SETBACKS (in feet)	
				Front	Side
Signs Permitted in a Residential District					
Public Building Sign (a)	1	20	6	10	10
Home Occupation Sign	1	1	3	10	5
Roadside Stand Sign	1	20	6	10	10
Subdivision Sign	1 per entrance	20	6	10	10
Signs Permitted in a Commercial District					
Public Building Sign (a)	1	20	6	10	10 (e)
Wall Sign (b)	1 per wall	(c)			
Freestanding Sign	1	75	25	10	10 (e)
High Rise Pole Sign (C-3 only)	1	160	50	25	25
Signs Permitted in an Industrial District					
Wall sign (b)	1 per wall	(c)	12		
Freestanding sign	1	75	25	10	10 (e)
Signs Permitted in Any District					
(See Sect. 604 and 605 for specific provisions)					
Memorial Sign					
Awning, canopy sign					
Nameplate					
Windows Sign					
Real Estate sign					
Subdivision or Development sign					
Special Event sign					
Construction sign					
Portable sign					
Public Purpose sign					
Seasonal or Celebration sign					

Notes:

- (a) Place of worship, educational institution, government building or facility only.
- (b) See special provisions for wall signs in section 606.
- (c) The area of a wall sign shall not exceed three (3) square feet per foot of the length of the wall to which it is attached, not to exceed forty-eight (48) square feet, whichever is less.
- (d) Refer to definition of sign surface area.
- (e) No closer than twenty-five (25) feet to a residential district.

604.4 Window Sign or Interior Sign

A sign painted or lettered directly on a window, provided that such sign does not exceed the maximum dimensions permitted for a wall sign in the district.

A sign located inside a building and which is not intended for observation from outside of the building.

604.5 Construction Sign

A construction sign displayed during the time of construction, identifying the name of the construction project, the architect, engineer, and/or contractor, and related information, not exceeding thirty-two (32) square feet.

604.6 Public Purpose Sign

A sign of any governmental unit or public utility erected for the purpose of protecting public health, safety, and welfare. A sign permit shall not be required for such other signs as the Zoning Inspector shall determine necessary and appropriate or consistent with local, state, and federal laws, including regulatory signs, street signs, warning signs, railroad crossing signs, facility identification signs, and community entrance signs.

604.7 Seasonal or Celebration Sign

Seasonal district sign or celebration banner or other special banner for a non-profit or publicly-sponsored events erected in or near the public right-of-way erected with the written approval of the Zoning Inspector.

604.8 Real Estate Sign

One (1) unlighted real estate sign not exceeding six (6) square feet per side and not exceeding two sides is permitted per lot pertaining to the sale, lease, or rent of the lot or building on the lot. A real estate sign shall not be higher than six (6) feet and shall be located no closer than ten (10) feet to any public right-of-way or side property line.

605: Signs Permitted in All Districts With a Permit

605.1 Subdivision or Development Sign

One (1) temporary sign is permitted advertising the development of the lot or the development of a new subdivision on which the sign is located, provided that the sign does not exceed eighty (80) square feet in total surface area and is located no closer than ten (10) feet to any public right-of-way or side property line. A permit for a subdivision or development sign shall only be effective for six (6) months, but may be renewed upon written approval of the Zoning Inspector.

605.2 Special Event Sign

Special event signs may be erected for the purpose of advertising to the public auctions, yard sales, garage sales, scheduled events, and political campaigns. Such signs shall be erected no sooner than forty-five (45) days preceding a scheduled event or election except that signs relating to auctions, yard sales, or garage sales shall not be erected sooner than one (1) week prior to the sale. Special event signs shall be removed no later than ten (10) days after the event.

No permit shall be required for the erection of three (3) or less signs relating a single

sale or event. A permit shall be required for the erection of four (4) or more signs relating to a sale or special event, except for those relating to a residential yard sale or garage sale or for the sale of produce grown on the lot.

Every special event sign shall bear such information as required by the laws of the State of Ohio identifying the persons responsible for the sign and the campaign to which it refers.

605.3 *Portable Sign*

A portable sign, conforming to all other provisions of this Resolution with regard to height, surface area, setbacks, lighting, and other requirements, may be installed in conformance with a permit. A portable sign shall bear the name, address, and phone number of the owner of the sign. The owner shall provide evidence of liability insurance sufficient to protect the Township from liability for the use of such sign. No permit for a portable sign shall be effective for longer than sixty (60) days.

606: Special Provisions for Commercial and Industrial Signs

606.1 *Wall Sign*

A wall sign shall only be permitted on the one wall of a building which is parallel to or is most nearly parallel to the right-of-way, except that a wall sign may be permitted on each of the two walls which are most nearly parallel to the rights-of-way when a building is located on a corner lot.

606.2 *Number of Signs*

No more than three (3) signs, including all wall signs, freestanding signs, and outdoor advertising signs, shall be permitted for any one business or industry.

606.3 *Sign in Proximity to Residential District*

No sign in an industrial or commercial district shall be located closer than twenty-five (25) feet to a residential district.

607: General Sign Regulations

607.1 *Permits, Fees, Inspections*

Zoning Permit Required. A zoning permit issued by the Zoning Inspector shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted by this Article. A permit shall be obtained by the owner of the lot on which the sign will be located, or by his authorized representative. The owner or representative shall submit a zoning permit application, fee, and such other information as the Zoning Inspector requires to determine and document compliance with this Resolution.

A zoning permit issued by the Zoning Inspector shall not be deemed to constitute permission or authorization to establish or maintain an unlawful sign nor constitute a defense in action to abate an unlawful sign.

Inspection Required. Signs shall be inspected by the Zoning Inspector for compliance with the provisions of this Resolution.

607.2 *Installation Requirements for All Signs*

All signs shall be firmly secured to the ground, to a structure, or to a building as provided by this Resolution.

Electrical wiring serving a sign shall be installed underground or on or within the structure to which the sign is attached.

Permitted illuminations of signs shall be either (a) internal illumination or (b) external lighting directed toward the sign in a manner which is shielded or screened to prevent glare visible from adjacent lots or public rights-of-way.

The erector of a sign shall place on each such sign or display an imprint or metal tag showing the name, address, and phone number of the erector, re-erector or the hanger, so that the name can be readily identified from the ground.

607.3 *Measurements of Signs Surface Area, Setback, and Height*

The measurement of the surface area, setback, and height of a sign shall be made in a manner determined by the Zoning Inspector to ensure conformance with the provisions of this Resolution.

607.4 *Maintenance and Repair Required*

All signs and the structures or object to which they are attached, including the component parts of each, and including all signs for which permits are required and all signs for which no permits or permit fees are required, shall be kept in good repair and in a proper state of preservation, including the replacement of defective parts, painting, repainting, and cleaning by the owner of the sign and the owner of the lot on which the sign is located.

The Zoning Inspector shall inspect and have the authority to order the painting, repair, alteration, cleaning, or removal of any sign which becomes deteriorated, dilapidated, or abandoned, or which constitutes a hazard to the public safety.

607.5 *Prohibited Signs*

The following signs are prohibited, except as otherwise specifically permitted by other provisions of this Article:

- (a) a sign which employs any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
- (b) a sign illuminated by or having flashing or moving lights or other intermittent illumination;
- (c) a beacon or searchlight, except for emergency purposes;

- (d) a sign attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance, self-propelled or otherwise, parked or used upon any lot, and which is visible from a public right-of-way, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
- (e) an abandoned sign, being a sign which is located on a lot which becomes vacant or unoccupied for one (1) year, or which pertains to a space in a building which has become vacant or is occupied by a different use, or any sign which pertains to a time, event, or purpose which no longer applies;
- (f) a sign which projects from a building in a horizontal direction more than twelve (12) inches;
- (g) a sign which projects above the highest part of the building wall to which it is attached or beyond the end of the wall to which it is attached;
- (h) a sign placed in a street, public right-of-way or easement, or other public property or on a utility pole or tree, except a sign of any governmental unit or public utility erected for the purpose of protecting public health, safety, and welfare;
- (i) a sign, except a directional device required by Federal aeronautical authorities, placed, inscribed or supported upon a roof or upon any structure which extends above the roof of any building;
- (j) a sign located on a lot other than the lot which is the location of the business or use to which the sign pertains;
- (k) a sign which creates a traffic hazard by obstructing the view at any street intersection or by design resemblance to common traffic control devices by reason of color, shape or other characteristics, or by any other means;
- (l) a sign having illumination which is so arranged or used in a manner causing annoying reflection or glare;
- (m) a sign constructed of paper, cloth, cardboard, or materials determined by the Zoning Inspector to be insufficiently durable for the proposed location, use, or life expectancy of the sign;
- (n) a sign which is created or changed by means of freehand lettering or writing with paint, chalk, or other material, including chalkboards or markerboards;
- (o) a sign erected in a manner which obstructs a windows, door, fire escape balcony, platform, stairway, ladder, vent, or other means of ingress or egress of any building.

607.6 *Removal of Signs*

The Zoning Inspector shall give written notice to the owner of any sign which is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Resolution. The owner shall remove or alter the sign so as to comply with the provisions of this Resolution within ten (10) days after the date of such notice. If the owner fails to bring the sign into compliance, the Zoning Inspector may take such action as is necessary, legal, and appropriate to force such compliance. The Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without further notice.

Article 700:
ADMINISTRATION AND ENFORCEMENT

701: General

701.1 *System of Zoning Permits & Certificates*

A system of zoning permits and certificates shall be established in order to maintain a written record of the approvals, disapprovals and compliance of various uses, buildings, and structures according to the provisions of this Resolution and with the purpose of effectively enforcing this Resolution.

The Zoning Inspector shall maintain a record of all zoning permits and certificates of zoning compliance, conditional use permits, and certificates of nonconformity.

Zoning permits, certificates of zoning compliance, conditional use permits, and certificates of nonconformity shall be issued by the Zoning Inspector on the basis of plans and applications approved by him/her, or approved by the any Township board, and shall authorize the use and arrangement only as set forth in such approved plans and applications and by the provisions of this Resolution. Any other use, arrangement, or construction contrary to that authorized by such permit or certificate shall be deemed a violation of this Resolution.

The Zoning Inspector may issue a revocation notice to revoke a permit or certificate or other approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

701.2 *Zoning Permit Required*

Unless excepted by this Resolution, no person shall, without obtaining a zoning permit or certificate:

- (a) Locate, erect, construct, reconstruct, alter, or move any building or structure, including an accessory building or accessory structure such as a sign or fence.
- (b) Change the use of land or of a building to a different use.
- (c) Change a nonconforming use to a different use or extend or expand a nonconforming use.

Zoning permits are required prior to any change of land use, modification of a property boundaries, erection of a structure or modification of a structure within the Township to demonstrate planned compliance and provide information necessary for the Zoning Inspector to evaluate improvements for a certificate of zoning compliance after the change of use or structural modification occurs.

If exempt, compliance with all other provisions of this Resolution shall be required for such exemption as may be lawful. If provisions of the Ohio Revised Code exempt any person from obtaining a zoning permit or certificate from the Township, such person shall, prior to commencing construction operations, register with the Zoning Inspector and provide such information as may be necessary to substantiate the validity and legality of such exemption and in the interest of maintaining a complete record.

A zoning permit shall not be issued unless the application and plans therefor fully comply with the provisions of this Resolution and until any necessary board action occurs, including the approval of a site plan as required by Section 406, is obtained in writing. The

zoning permit shall demonstrate that the proposed building, structure, property, and/or use are in conformance with this Resolution.

702: Application Procedure

702.1 Application for Zoning Permit

A written application for a zoning Permit shall be submitted to the Zoning Inspector on forms provided and shall, at a minimum, contain the following:

- (a) The signature of the owner or applicant together with a statement: attesting to the truth and exactness of all information supplied on the application; affirming the applicant's understanding that the permit applied for shall expire and may be revoked if work has not begun within sixty (60) days and has been substantially completed within two (2) years after issuance; affirming the applicant's understanding that the permit applied for may be revoked for other reasons specified in this Resolution; and affirming the applicant's agreement to permit inspection of the subject property by the Zoning Inspector prior to commencing work, during work progress, and within thirty (30) days after completion;
- (b) Name, address, and telephone number of the applicant; and, if applicable, of the owner's designated agent;
- (c) Legal description of the property, either a metes and bounds description of the property prepared by a registered surveyor or the permanent parcel number as assigned by the County Auditor, or such other information as the Zoning Inspector or Board of Zoning Appeals shall require to confirm the location of the subject lot;
- (d) Existing use and proposed use;
- (e) Zoning district;
- (f) Plans drawn to scale showing the actual dimensions and the shape of the lot to be used or built upon; the exact size and location of existing buildings and uses on the lot, if any; the dimensions and locations of the proposed buildings or uses; existing and proposed building and structure heights;
- (g) A site plan if required by Article 400;
- (h) Proposed number of dwelling units and floor areas of all buildings;
- (i) If applicable, application for a sign permit, conditional use permit, or emergency use permit; or for other permits or reviews required prior to approval of a zoning permit;
- (j) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Resolution;
- (k) Fees as required by this Resolution.

No zoning permit for a dwelling or other use for which sanitary disposal is required shall be issued unless there is furnished with the application an approval from the Columbiana County Health Department.

702.2 Approval or Denial of Zoning Permit

Within thirty (30) days after receipt of an application, the Zoning Inspector shall, in conformance with the provisions of this Resolution, either:

- (a) Approve the application and issue to the applicant a zoning permit together with one copy of the plans marked as approved; or
- (b) Disapprove the application and issue to the applicant a written statement of the reasons for disapproval.

If the Zoning Inspector does not act upon an application within the specified time (unless extension of the time is approved by the applicant in writing), the application is to be considered disapproved, which may be appealed to the Board of Zoning Appeals.

The Zoning Inspector shall maintain a copy of any written approval or disapproval.

702.3 Terms of Zoning Permit & Certificate of Zoning Compliance

A zoning permit shall be issued conditioned upon commencement of work within sixty (60) days. If the work described in a zoning permit has not begun within sixty (60) days after the date of issuance, the permit shall expire. If the work described in any zoning permit has not been substantially completed within two (2) years after the date of issuance, the permit shall expire and the Zoning Inspector shall issue written stop work order to the owner and notice that further work shall not proceed until a new zoning permit has been obtained or an extension of the expired permit has been granted.

Until complete, the Zoning Inspector shall be permitted reasonable access to inspect the improvement for compliance. The Zoning Inspector or applicant may request a review for compliance when a project is complete, prior to occupancy or use commencing. If the property is found to be compliant, the Zoning Inspector shall issue a Certificate of Zoning Compliance. If the work is not found compliant or if other zoning violations are found, the Zoning Inspector shall issue a stop work order, notice of zoning violation and/or otherwise pursue action necessary to bring the property into zoning compliance.

702.4 Stop Work Order

Subsequent to his determination that work is being done contrary to this Resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector shall constitute a violation of this Resolution.

703: Conditional Use Permit

703.1 Purpose

The purpose of these provisions is to establish procedures and regulations for uses which have the potential to be made compatible with the use characteristics of the districts in which they are listed as conditional uses, but which, due to the nature of their operation, appearance, or other characteristics require individual review and control of their location, design, intensity, configuration, and impact upon the community in order to promote such compatibility.

The inclusion of a particular use as a conditional use in a district shall not imply any rights for approval of such use for any property or property owner. A use listed as a conditional use shall not be permitted by right. Listing as a conditional use shall afford

the opportunity to submit an application for a conditional use permit for such use, which may be approved or denied on the basis of the requirements and standards contained in this section.

703.2 Conditional Use Permits Required

A conditional use permit shall be required for the establishment of any use identified in this Resolution as a conditional use. An application for a conditional use permit shall be submitted for any expansion or alteration of an existing use established prior to the adoption of this Resolution, if such use is listed as a conditional use in this Resolution.

The Board of Zoning Appeals shall review and take action upon an application for a conditional use permit according to the requirements of this Resolution.

703.3 Application

The owner of the property for which a conditional use is proposed shall make an application for a conditional use permit by submitting such application to the Zoning Inspector.

At a minimum, an application for a conditional use permit shall include the following, unless specific items are waived by the Board of Zoning Appeals:

- (a) Completed application form.
- (b) Name, address, and phone number of the property owner and, if applicable, of the owner's designated agent.
- (c) Legal description of the property, sufficient to provide identification of the location and boundaries of the subject property to the satisfaction of the Board.
- (d) Zoning district of the property.
- (e) Description of the existing use of the property.
- (f) A statement of the specific conditional use or uses listed in this Resolution for which the application is submitted. The application shall also include a description of the activities proposed on the site, including the goods or services, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Board of Zoning Appeals to clearly understand the nature of the proposed use and its potential impacts.
- (g) A plan of the proposed site and improvements for the conditional use showing the proposed location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and other relevant features and all elements required for a site plan as described in Article 400.
- (h) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, including an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water. The narrative shall discuss the compatibility or conflict of the proposal with any adopted plans of the Township.
- (i) A narrative addressing each of the applicable criteria set forth in the standards and requirements for all conditional uses, and, as applicable, the supplementary requirements for uses.

- (j) Such other information as the Board of Zoning Appeals shall deem necessary to make a determination of the compliance of the proposed use with the applicable standards and regulations. Such additional information may include, but shall not be limited to:
- (1) traffic analysis
 - (2) drainage analysis
 - (3) evidence of financial capability
 - (4) construction schedule

The Board of Zoning Appeals may determine that additional studies or expert advice are necessary to evaluate a proposed conditional use relative to the requirements of this Resolution. The Board shall advise the applicant if such studies or advice are required. The Board may accept the required studies prepared by qualified professionals engaged by the applicant or may require the applicant to deposit with the Township funds as required to pay for such studies.

703.4 *Review by Township Officials*

The Zoning Inspector shall distribute the application to township officials or other professionals as directed by the Board of Zoning Appeals for the purpose of reviewing for conformance to the regulations of the Township and for impacts upon Township roads and safety services. The Zoning Inspector shall request timely written reports from such officials as necessary to provide information needed by the Board of Zoning Appeals in review of the application.

703.5 *Notice and Hearing*

The Board of Zoning Appeals shall hold a public hearing on each application for a conditional use permit. The Board shall hear and consider the comments and evidence presented by interested parties relevant to the standards and requirements set forth in this Resolution and other information as applicable to the proposed conditional use.

Written notice of the hearing shall be mailed to the owner of the property for which the conditional use is proposed. Notice shall be published in a newspaper of general circulation in the Township not less than ten (10) days prior to the hearing.

703.6 *Action by the Board of Zoning Appeals*

The Board may request additional information it deems necessary to review the application for conformance with the standards and requirements applicable to the proposed conditional use.

The Board shall act as soon as is practicable upon the application for conditional use permit, but shall act no later than thirty (30) days after the date of the public hearing.

The Board shall, after review of the application and any additional information presented, take action to either:

- (a) approve a conditional use permit, based upon findings of compliance with all of the standards and requirements of this Resolution and subject to conditions required by the Board; or
- (b) deny a conditional use permit, stating the reasons for denial, which may include a statement that the application is deficient in information or in need of modification or that the application or proposed use are otherwise not in compliance with the requirements of this Resolution. If, after review of the application, the Board finds that the application does not meet the standards and requirements of this Resolution, the Board shall deny the conditional use permit.

In approving a conditional use permit, the Board shall have the authority to impose such conditions as it deems necessary to protect the public welfare, preserve the purpose and intent of this Resolution, to protect the character of the surrounding properties and neighborhood effected by the proposed conditional use, and to mitigate the special characteristics of the use. Such conditions may include, but shall not be limited to:

- (a) Location of setbacks
- (b) Screening and buffers
- (c) Access and traffic, including pedestrian accessibility
- (d) Noise control measures
- (e) Other features of construction, including but not limited to paving and parking, signs, and landscaping
- (f) Hours and method of operation
- (g) Maintenance of the site, structures, and landscaping
- (h) Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, water-carried waste, and storm water
- (i) Time limit for operation of the conditional use, if temporary operation is determined to be a typical characteristic of the proposed use or otherwise appropriate, given the unique circumstances of the proposed use

703.7 Issuance, Revocation, Transfer, Amendments, Re-Application

- (a) Issuance of Permit. Subsequent to approval by the Board, and compliance with all applicable conditions of such approval and of this Resolution, the Zoning Inspector shall issue a conditional use permit stating the conditional use and all conditions of the permit.
- (b) Revocation of Permit. A conditional use permit shall become null and void if:
 - (1) The applicant does not commence the operation of the conditional use within six (6) months of the date of the permit is issued; or
 - (2) The conditional use ceases for a period of six (6) months; or
 - (3) The conditional use is operated in a manner which violates any provision of the conditional use permit.

The owner of the property may, within six (6) months of the original approval, request that the Board issue an extension of time to establish the conditional use.

The Zoning Inspector shall notify the Board if a conditional use is determined to be operating in violation of any provision of the conditional use permit. Notice shall also be forwarded to the property owner. The property owner shall discontinue such violation upon receipt of the notice.

The Board, upon determining that a violation may necessitate revocation of the permit, shall set a public hearing date and shall notify the owner. Subsequent to the public hearing, the Board shall take action to affirm, revoke, or amend the permit.

- (c) **Transfer of Permit.** A conditional use permit may be transferred to a new owner when a property is sold, subject to the approval of the Board. Prior to transfer of ownership, the proposed new owner shall submit a statement to the Zoning Inspector stating that the new owner is aware of, understands, and will comply with all conditions and requirements of the conditional use permit. The new property owner shall be bound by the conditions of the permit as long as the conditional use is continued.
- (d) **Amendment of Permit.** The owner or a property for which a conditional use permit is in effect may request amendment of the permit. Amendment shall be accomplished according to the procedures, requirements, and standards of this Resolution applicable for a new conditional use permit.
- (e) **Re-Application.** Subsequent to disapproval of an application for a conditional use permit, a period of at least one year shall elapse before another application for the same conditional use on the same site may be considered by the Board.

703.8 *Standards and Requirements for All Conditional Uses*

In review of a conditional use permit application, the Board shall consider whether there is adequate evidence that the proposed conditional use is consistent with the following standards:

- (a) The proposed conditional use shall be in harmony with the existing or intended character of the neighborhood and shall not change the essential character of the neighborhood.
- (b) The proposed conditional use shall not adversely affect the use of adjacent property.
- (c) The proposed conditional use shall not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood.

- (d) The proposed conditional use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, or schools.
- (e) The proposed conditional use shall be in accord with the general and specific objectives, and the purpose and intent of this Resolution and with any adopted plans of the Township and any other resolutions of the Township.
- (f) The proposed use shall be found to be consistent with a use specifically stated as a conditional use in the district in which it is proposed to be located.
- (g) All parking and drive areas shall be designed and maintained in a manner which promotes adequate access for fire and police service.
- (h) Any loudspeakers, horns, or other noise-making devices shall be identified in the application and shall be so located and controlled in volume and hours of operation, to prevent objectionable impacts on residential properties.
- (i) Lighting shall be designed to prevent glare onto residential properties and public right-of-ways.

703.9 *Supplementary Requirements for Conditional Uses*

In addition to the other requirements of this chapter, the following conditional uses shall meet the following additional requirements. The Board may vary any of these requirements it determines to be an unnecessary hardship on the property owner and in the best interest of the Township:

- (a) Home Occupation. The following regulations, in addition to those stated in Section 703.08, shall apply to a conditional use permit for a home occupation:
 - (1) The home occupation shall be conducted wholly within a dwelling and shall not occupy an area greater than one-half of the floor area of the first floor of the dwelling. No use of any accessory building shall be permitted for a home occupation.
 - (2) The home occupation use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
 - (3) The home occupation shall be conducted only by persons residing in the dwelling unit.
 - (4) The home occupation shall not create a nuisance or other impacts which differ from those normally associated with residential use of a property.

- (b) *Wireless Telecommunication Facility*. The provisions of this zoning resolution and the Ohio Revised Code, Section 519.02 through 519.25 shall apply to all telecommunications towers and their attendant facilities to the extent permitted in the Ohio Revised Code, Section 519.211 or any amendment or successor statute thereto permitting regulation of telecommunication towers, structures, and/or devices. This resolution and the aforementioned Sections of The Ohio Revised Code shall become applicable upon an objection properly lodged by either a property owner or a Fairfield Township Trustee pursuant to the procedure, requirements, and specified time periods provided in the Ohio Revised Code, Section 519.211. Additionally, all premises and attendant facilities shall be maintained consistent with the applicable sections of the Fairfield Township Zoning Resolution.

The following provisions, in addition to all other applicable provisions of this Resolution, shall apply to conditional use permits for wireless telecommunication facilities:

- 1) The site plan submitted with the conditional use permit application shall include all buildings and uses in all areas within three hundred (300) feet of the proposed facilities.
- 2) The site plan shall include a landscaping plan which includes plant material, fencing, and earth mounding designed to screen or mitigate the impacts of the appearance of the base of the facility from any residential use.
- 3) An application which proposes a new or replacement tower shall include information which: identifies the planned service area for the tower and abutting or overlapping service areas; explains and documents the technical necessity of the proposed tower; and evaluates the potential for collocation (that is, use of a wireless telecommunications facility by more than one wireless telecommunications provider) or an existing tower.
- 4) The maximum height for a wireless telecommunications tower shall be one hundred fifty (150) feet, including the antennae.
- 5) The maximum height of a roof-mounted antenna and its supporting structure shall be twenty (20) feet above the roof.
- 6) The maximum floor area for an equipment shelter shall be three hundred (300) square feet for a single facility and a total of seven hundred fifty (750) square feet if more than one equipment shelter is located on the site.
- 7) The tower, equipment shelter, and any wires shall be surrounded and protected by a security fence no less than six (6) feet and no more than eight (8) feet in height.
- 8) The tower and antenna shall be painted a non-contrasting gray or similar color to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- 9) Unless otherwise required by the FAA or FCC, no tower with a height less than one hundred fifty (150) feet shall be lighted.

- 10) When the use of a tower ceases, the owner and operator shall immediately notify the Township in writing. The Zoning Inspector may, after the use has been discontinued for one hundred eighty (180) days, order that the tower be dismantled.
 - 11) Where a wireless telecommunications facility is approved as the main use on a lot, then the lot shall conform to all requirements for the district, and the distance between the tower and every lot line shall be equal to at least the height of the tower.
 - 12) Where a wireless telecommunications facility is approved as an accessory use, then the lot shall conform to all requirements for the district; the main use shall conform to all required of the district; the distance between the tower and every lot line shall be equal to at least the height of the tower; and the vehicular access to the telecommunications facility shall be designed to not interfere with parking or circulation of the site for the main use.
- (c) Limited Commercial Event. The following provisions, in addition to all other applicable provisions of this Resolution, shall apply to a conditional use permit for a limited commercial event:
- 1) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two public roads.
- (d) Outdoor Advertising. An outdoor advertising sign shall be permitted in conformance with the provisions of the Ohio Revised Code and with the provisions of Section 703 of this Resolution pertaining to conditional use permits. The surface area of an outdoor advertising sign shall not exceed five hundred fifty (550) square feet on a single side. The height shall not exceed thirty-five (35) feet. An outdoor advertising sign shall conform with the front, side, and rear yard setback requirements for a main building in the district in which it is located, except that the sign shall not be located closer than five hundred (500) feet to a residential district, to a public parkway, to an entrance to a public park, or an educational institution, library, place of worship, hospital, or similar institution. Such sign shall comply with the provisions for illumination and prevention of glare applicable to all signs as stated in this Resolution.

An outdoor advertising sign shall be permitted in conformance with the provisions of the Ohio Revised Code and with the provisions of section 703 of this Resolution pertaining to the conditional use permit. The surface area of an outdoor advertising sign shall not exceed five hundred-fifty (550) square feet on a single side. The height shall not exceed thirty-five (35) feet. An outdoor advertising sign shall conform with the front , side, and rear yard setback requirements for a main building in the district in which it is located, except that the sign shall not be located closer than five hundred (500) feet to a residential district, to a public park, to an educational institution, library, place of worship, hospital, or similar institution. Such sign shall comply with the provisions for illumination and prevention of glare applicable to all signs as stated in this resolution.

- (e) Similar Use. The following regulations, in addition to those stated at Section 703.08, shall apply to uses requested to be interpreted as similar uses and requested for approval of a conditional use permit:
- 1) The Board shall consider the information submitted with regard to the use requested to be interpreted as a similar use and shall determine if such use is or is not similar based on the following standards:
 - a) Such use is not listed in any other district as a permitted use;
 - b) Such use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and such use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district;
 - c) The establishment of such use in the district will not significantly alter the nature of the district;
 - d) Such use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district;
 - e) Such use does not typically require site conditions or features, building bulk or mass, parking areas, or other requirements dissimilar from permitted uses; and the typical development of site and buildings for such use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc., of the district.
 - 2) If the Board determines that the proposed use is a similar use, the Board shall consider the application for a conditional use permit and take action in the manner required by this Resolution.
- (f) Sexually-Oriented Business. The following provisions, in addition to all other applicable provisions of this Resolution shall apply to a conditional use permit for a sexually-oriented business:
- 1) The proposed sexually-oriented business shall be located at least one thousand (1,000) feet from any place of worship, educational institution, social services facility or neighborhood center, public park or playground, a lot which is the site of a dwelling, a boundary of a residential district which is within the Township or within a local government abutting the Township, or an existing sexually-oriented business (whether or not such business was established with a conditional use permit).
- (g) Drive-in Establishment. The following regulations, in addition to those stated in Section 703.08, shall apply to a conditional use permit for a drive-in establishment:
- 1) Lanes required for vehicle access to and waiting for use of a drive thru or drive up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the staking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting

streets and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Board the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Resolution.

- 2) The Board may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to ensure compatibility with normal vehicular activity in the district.
 - 3) The Board may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to insure compatibility with normal vehicular activity in the district.
 - 4) The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.
- (h) Outdoor Display or Storage. The following regulations, in addition to those stated in Section 703.08, shall apply to a conditional use permit for any use involving outdoor display or storage:
- 1) No outdoor display or storage shall be closer than fifty (50) feet from any residential district or right-of-way line.
 - 2) A residential buffer at least ten (10) feet wide shall be installed to minimize visual effects of a display area from residential properties.
 - 3) Display areas shall be maintained in a neat and orderly fashion.
 - 4) Display areas shall not occupy any required parking or driveway.
 - 5) The applicant shall submit a site plan indicating the area for outdoor display, the location and type of illumination devices, the types of merchandise to be displayed, and a detailed planting plan for any required residential buffers indicating materials, spacing, and sizes of plants at time of planting.
- (i) Transient Vendor. Transient vendors, being persons engaged in short-term retail sales of goods on a lot located within a C-2 General Business District or a C-3 Highway Commercial District, may be permitted to engage in such retail sales, subsequent to application and approval of a conditional use permit. The application for permit shall include written permission of the owner of the lot, proof of site ownership by such owner, the owner's address and phone number, a sketch plan indicating the location of the sales activity, the means of access and parking for customer vehicles, the location of any vehicles or structures to be used for such sales activity, the dimensions and locations of signs, a statement of the nature of the business and the source of the goods to be sold, and a statement of the days and times of operation of the sales activity.

Transient vending activities as described above, shall not be permitted on any lot for more than three (3) consecutive days in more than two (2) periods of

time per year. Transient vending activities shall only be permitted during daylight hours. All uses, signs, and other features of such transient activity shall conform, to the extent appropriate for such temporary use as determined by the Board, with the requirements and standards imposed on similar permitted activities in the district.

- (j) Gasoline Service Stations and All Vehicle Repair and Servicing Uses.
- 1) Gasoline service stations shall conform to all setback requirements except that gasoline pump islands may be located not less than twenty-five (25) feet from a right-of-way.
 - 2) Lubrication, washing, repairs, and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building, except as provided in this Resolution.
 - 3) Access drives shall be limited to two (2) on any one roadway frontage, shall not exceed thirty (30) feet in width, shall be separated from one another by at least twenty (20) feet, shall be separated from the intersection of any two streets by at least forty (40) feet, and from the intersection of any property line with the right-of-way by at least ten (10) feet.
 - 4) Employee vehicles and vehicles awaiting servicing or return to customers shall be parked in areas indicated on the site plan. Such parking areas shall be located at least fifty (50) feet from any right-of-way.
 - 5) An outdoor storage area may be permitted for the storage of scrap parts, discarded materials, and other waste prior to disposal, provided that such storage areas shall not exceed eighty (80) square feet and shall be constructed of an approved fencing material of masonry, metal, wood, or vinyl of not less than five (5) feet in height that completely screens the contents from outside view. A storage area shall not be located between the main building and any right-of-way and shall either be a part of the main building or shall be separated from the main building by a distance of at least ten (10) feet.
 - 6) Notwithstanding any other provisions of this Resolution, no signs, product displays, parked vehicles, or other obstructions shall be located in a manner which adversely affects visibility of intersections or access drives.
 - 7) The rental of utility trailers and trucks, including temporary storage of such vehicles, may be permitted in conjunction with a gasoline service station in compliance with the following conditions:
 - a) Storage areas shall conform to all building setback lines.
 - b) Storage areas shall be screened from any abutting residential district by the construction of a landscape buffer approved by the Board.
 - c) The storage areas shall be clearly indicated on the site plan and shall not interfere with any areas required for parking, servicing, or circulation.
 - d) Storage shall only be permitted on paved areas.
 - 8) A screened area shall be provided for vehicles stored, waiting for parts or repairs, for over thirty (30) days. The storage area shall be not more than three hundred (300) feet from the location in which repairs are made. Storage in such area shall not exceed a total of twenty-five (25)

vehicles at one time.

- (k) Commercial Recreation Areas and Non-Commercial Recreation Areas. The following regulations, in addition to those stated in Section 703.08, shall apply to conditional use permits for commercial recreation areas and non-commercial recreation areas:
- 1) Access drives should be located no closer than two hundred feet to any intersection of two roads. No more than two access drives shall be permitted directly from any public road and no driveway or access point shall be wider than thirty feet.
 - 2) Paved off-street parking and service areas shall be required.
 - 3) All structures and activity areas shall be located at least fifty (50) feet from all property lines.
 - 4) There shall be no more than one identification sign oriented to each abutting road.
 - 5) At least seventy five percent (75%) of the site shall be open space other than campsites, refreshment stands, or other service facilities or activities.
 - 6) Only retail uses customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground.
 - 7) All activities, programs, and other events shall be adequately supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the Township.
 - 8) No campsite shall be used as a permanent dwelling or residence.
- (l) Lodging, Boarding Houses.
- 1) A lodging or boarding house shall also be the dwelling of the owner.
 - 2) Automobile storage shall be screened from view of adjacent properties and shall not be located in the front or side yards. All spaces must have direct access to a driveway at least ten (10) feet wide.
- (m) Multi-family Dwelling
- 1) Access drives shall be limited to two (2) and shall be designed to minimize interference with surrounding streets. Parking shall be designed to permit vehicles to exit the site in a forward-facing direction. Large parking areas shall be designed with visual relief provided by planting of trees, landscaped dividers, islands, and walkways. No parking or service areas shall be located between any main buildings and a public right-of-way. Parking spaces shall be located no further than twenty (20) feet from the dwelling they serve.
 - 2) Maximum possible visual and auditory privacy shall be provided for each dwelling through the use of good design, building materials, and landscaping.
 - 3) The architectural design of dwellings shall be of a nature consistent or compatible with adjacent development in terms of building height, mass, texture, line, pattern, and character.

- 4) The locations and placements of buildings shall be accomplished giving consideration to minimizing removal of trees and changes in topography.
 - 5) Refuse storage areas shall be designated on the site plan.
- (n) Truck or Transfer Terminal, Motor Freight Garage.
- 1) No building shall be located closer than one hundred (100) feet to a residential district. The areas within fifty (50) feet of a residential district shall be landscaped and shall include a fence, masonry wall, or other fence, to a height of six feet, approved by the Board.
 - 2) Access for motor freight vehicle shall be provided on roads having adequate width, construction, and existing or planned function.
 - 3) Adequate areas shall be provided for docking, manipulation, and maneuvering of motor freight vehicles, in addition to a parking area for vehicles waiting to be loaded or unloaded, in an amount equal to at least one (1) space for every four (4) loading docks.
 - 4) Access drives and parking shall be designed to permit vehicles to enter and exit the site in a forward-facing manner. The number, locations, and dimensions of access drives shall be as determined by the Board.
- (o) Place of Worship
- 1) All points of access should be located no closer than two hundred feet from the intersection of two roads.
 - 2) All structures and activity areas shall be located at least fifty (50) feet from all property lines.
 - 3) There shall be no more than one identification sign oriented to each abutted road.
- (p) Governmental Building or Facility
- 1) All structures and activity areas shall be located at least fifty (50) feet from all property lines.
 - 2) There shall be no more than one identification sign oriented to each abutting road.
- (q) Hospital, Clinic, or Nursing Home
- 1) All structures and activity areas shall be located at least fifty (50) feet from all property lines.
 - 2) There shall be no more than one identification sign oriented to each abutting road.
- (r) Clubs, Lodges, Fraternal, or Social Organizations
- 1) No more than two access drives shall be permitted directly from any public road and no driveway or access point shall be wider than thirty (30) feet.
 - 2) If the property fronts on two or more roads, the driveways shall be located as far from the road intersections as possible.
 - 3) All structures and activity areas shall be located at least fifty (50) feet from all property lines.

- 4) There shall be no more than one identification sign oriented to each abutting road.
- (s) Car Wash, Automatic or Self-service
- 1) No more than two access drives shall be permitted directly from any public road, and no driveway or access point shall be wider than thirty (30) feet.
 - 2) Drive-in facilities shall permit five cars to use the facilities without causing congestion to traffic on or off site.
- (t) Sanitary and Construction Demolition Debris Landfill
- The following regulations, in addition to those stated in Section 703.08, shall apply to conditional use permits for any use involving a landfill.
- 1) Prior to issuance of a conditional use permit for a landfill, the applicant shall present evidence of approval of the design and plan for operations from the Columbiana County Board of Health and OEPA. Prior to the removal of earthmoving equipment from the site and closing of the site, closure conditions shall be approved by the Board of Health.
 - 2) The applicant shall present a study, prepared by a qualified person, documenting and evaluating the conditions of the site with respect to topography, soils, drainage, aquifer, and geology and the suitability of the site for the proposed use.
 - 3) The applicant shall present information regarding the technologies to be employed in the construction, operation, maintenance, closing, and monitoring of the site as approved by the State of Ohio.
 - 4) Truck routes shall be established for movement in and out of the roads developed in such a way that it will minimize the wear on public roads and prevent hazards and damage to other properties in the Township. No more than two access drives shall be permitted directly from any public road and no driveway or access point shall be wider than thirty feet. The site shall not be used for the storage of trucks and parking shall be limited to a time not to exceed twenty-four hours.
 - 5) A building shall be provided sufficient for storage of all landfill equipment.
 - 6) A building shall be provided providing shelter and sanitary facilities for personnel operating the landfill.
 - 7) Facilities shall be provided for the control of fires. No burning shall be permitted on the site.
 - 8) An attendant shall be present on the site at all times that the site is open for unloading of refuse.
 - 9) Working areas shall be surrounded at all times by fences sufficient to contain blowing material.
 - 10) Routine landfill operations shall be designed and executed in a manner which prevents conditions attractive to rodents and insects, and which prevents blowing dust onto adjacent properties.
 - 11) A conditional use permit issued for operation of a landfill shall be subject to annual review by the Board.

- 12) A sanitary and construction demolition debris landfill shall not be located closer than one quarter (1/4 or 0.25) mile to any dwelling not owned by the applicant.
- 13) A landfill shall be subject to an annual fee, established by the Township Trustees, as necessary to fund the necessary activities of the Township and its agents to protect and ensure the public health, safety, and general welfare with regard to the impacts or potential impacts of the landfill. The fee shall be paid prior to issuance of the conditional use permit and on the same day of each subsequent year. The necessary activities of the Township may include:
 - a) monitoring of groundwater and surface water contamination;
 - b) monitoring air contamination;
 - c) evaluation of pre-landfill road conditions, construction to such roads necessary to sustain the movement of equipment and the hauling of wastes associated with the landfill, monitoring of road conditions and evaluation of the impacts of landfill hauling on such roads, and the costs of construction and repairs to such roads necessitated by the hauling;
 - d) evaluation of the police and fire services necessitated by the landfill and provision of necessary equipment and personnel to provide such services during operation of the landfill;
 - e) provision of funds for premiums for liability insurance to protect the Township from future claims relating to the operation of the landfill;
 - f) engineering, legal, and other professional services necessary to monitor the operation and impacts of the landfill to determine compliance with all state and federal regulations;
 - g) and for such other costs and services as shall be directly related to monitoring the operation of the landfill.

704: Zoning Commission

704.1 *Appointment and Term of Office*

The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, appointed by the Board of Trustees. The terms of the members shall be for a period of five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until his/her successor is appointed and certified by notice from the Township Fiscal Officer.

The Board of Trustees may remove a member of the Commission from office for cause upon written charges and after a public hearing.

Vacancies shall be filled by the Board of Trustees for an unexpired term.

704.2 Powers and Duties

The Zoning Commission shall have the powers and duties prescribed by the Ohio Revised Code and by this Resolution, including:

- a) The Commission shall reorganize in January of each year in a meeting called by its

Chairperson or Secretary and shall elect from its membership a Chairperson, Vice Chairperson, and Secretary.

- b) The Commission shall adopt rules and procedures for the transaction of business.
- c) The Commission shall maintain a record of its actions and determinations.
- d) The Commission may initiate amendments to the Zoning Resolution and submit recommendations to the Board of Trustees.
- e) The Commission shall review and submit recommendations to the Board of Trustees regarding applications for district changes and for proposed amendments to the Resolution.
- f) The Commission may submit recommendations regarding special issues referred to it by the Board of Trustees.
- g) With the approval of the Trustees, engage the services of counsel, consultants and Township or County officials as it deems necessary.
- h) Carry on a periodic review of the effectiveness and appropriateness of this Resolution and recommend such changes or amendments as are appropriate.

704.3 Procedures

The Zoning Commission shall adopt rules and procedures to govern their own operations within the limits of this Zoning Resolution and the Ohio Revised Code.

705: Board of Zoning Appeals

705.1 *Appointment and Term of Office*

The Board of Zoning Appeals shall be composed of five (5) members who reside in the unincorporated area of the Township, appointed by the Board of Trustees. The terms of the members shall be for a period of five (5) years and so arranged that the term of one member will expire each year. Each member shall serve until that member's successor is appointed and certified by notice from the Township Fiscal Officer.

The Board of Trustees may remove a member of the Board from office for cause upon written charges and after public hearing.

Vacancies shall be filled by the Board of Trustees for an unexpired term.

705.2 *Powers and Duties*

The Board of Zoning Appeals shall have the powers and duties prescribed by the Ohio Revised Code and by this Resolution, including:

- (a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution.
- (b) Authorize, upon appeal, in specific cases, such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in undue and unnecessary hardship and practical difficulty, and so that the spirit of the Resolution shall be observed and substantial justice done.
- (c) Grant conditional use permits for the use of land, buildings, or other structures as such permits for specific uses are provided in this Resolution.
- (d) Review and approve or deny site plans submitted according to Section 406 of this

- Resolution.
- (e) Revoke, in accord with the provisions of the Ohio Revised Code, an authorized variance or conditional use permit granted for the extraction of minerals if any condition of the variance or permit is violated.
 - (f) In exercising the powers described in sections (a) through (e) above, the Board may, in conformity with those sections, reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end exercise the powers of the Zoning Inspector.
 - (g) The Chairperson, or the Acting Chairperson in absence of the Chairperson, shall have the power to administer oaths.

705.3 *Procedures*

The Board of Zoning Appeals shall adopt rules and procedures to govern their own operations within the limits of this Zoning Resolution and the Ohio Revised Code.

706: Zoning Inspector

706.1 *General*

The position of Zoning Inspector is established to administer and enforce this Resolution as provided herein. Before entering into the duties of his/her office, the Zoning Inspector shall give bond as required by the Ohio Revised Code. The Zoning Inspector may be assisted by such other persons as the Board of Township Trustees may direct.

706.2 *Responsibilities and Authorities*

The responsibilities and authorities of the Zoning Inspector shall include those stated in this Resolution and:

- a) Make available to the public applications, forms, and other information relating to the provisions and procedures of this Resolution, including copies of the Resolution and Zoning District Map.
- b) Clarify the meaning and application of the provisions of this Resolution.
- c) Receive applications for and issue (or refuse to issue with cause) zoning permits, conditional use permits (subject to approval of the Board of Zoning Appeals), certificates of nonconformance, and such other permits and certificates as provided by this Resolution, and to keep a record of such permits and certificates and actions taken relevant to them.
- d) Conduct inspections of buildings and land to determine compliance with this Resolution and, in the case of any violation, to initiate administrative or legal action as provided by this Resolution.
- e) Maintain the Zoning District Map as provided by this Resolution.
- f) Prepare and submit reports to the Board of Zoning Appeals, with copies to the Township Trustees, detailing all certificates and permits issued and requests disapproved and setting forth such other information as he/she may deem to be of interest and value in advancing and furthering the purpose of this Resolution.
- g) Collect and submit to the Fiscal Officer of the Township on a monthly basis all fees required by this Resolution together with an accounting of the sources of the fees.
- h) Attend the regular and special meetings of the BZA and Zoning Commission.

706.3 *Entry and Inspection of Property*

The Zoning Inspector may at any reasonable hour enter any building, structure, or premises within the Township to perform any duty imposed on him/her by this Resolution, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner. If such permission is refused or otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made. No person shall refuse to permit lawful entry or inspection, nor shall any person hinder, obstruct, resist, or abuse the Zoning Inspector while making or attempting to make such entry or inspection.

707: Variance Appeals and Administrative Appeals

707.1 *Administrative Appeals*

Appeals to the Board of Zoning Appeals concerning the interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a written notice of appeal specifying the grounds upon which the appeal is taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all appears constituting the record upon which the action appealed was taken.

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

707.2 *Variance Appeals*

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship.

707.3 *Application for Variance*

The appellant for a variance shall submit a notice of appeal requesting variance in writing on forms provided by the Zoning Inspector. Such notice shall include the following:

- (a) Name, address, and telephone number of the applicant(s);
- (b) Legal description of the property;
- (c) Description of the nature of variance requested and a statement demonstrating the extent to which the requested variance conforms to the standards for variance in this Resolution;
- (d) Statement of the hardship;

- (e) A fee as established by this Resolution;
- (f) Such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief.

707.4 *Public Hearing by the Board of Zoning Appeals*

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt from the Zoning Administrator or an applicant of a notice of appeal requesting variance.

Notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. Written notice of such hearing shall be mailed by the Board, by first class mail, at least ten (10) days before the date of the hearing to all parties in interest. Notices shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

707.5 *Action by Board of Zoning Appeals*

Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance.

707.6 *Standards for Variance*

Except as otherwise provided in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which supports conclusions that the variance conforms to the following standards:

- (a) The variance is in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
- (b) The variance will not permit the establishment of any use which is not otherwise permitted in the district.
- (c) There exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and which do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or buildings. Mere loss in value is not the justification for the variance; there is deprivation of beneficial use of the land.
- (d) There is proof of hardship created by the strict application of this Resolution, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions; it results from the application of this Resolution; it is suffered directly by the property in question.
- (e) The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
- (f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
- (g) The variance will not confer on the applicant any special privilege that is denied by

this regulation to other lands, structures, or buildings in the same district.

- (h) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts are considered as grounds for issuance of the variance.
- (i) The variance is not a matter of convenience when other remedies are available within the provisions of this Resolution.

707.7 *Use Variance Prohibited*

The Board of Zoning Appeals shall not grant a variance to permit a use which is either:

- (a) Not otherwise listed as a permitted use or a conditional use in the subject district,
or
- (b) any use expressly or by implication prohibited by this Resolution.

707.8 *Additional Conditions and Safeguards*

The Board may prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a violation of this Resolution.

The Board may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be completed.

707.9 *Terms of Variance*

No action of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such action unless the zoning permit and/or certificate of zoning compliance is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

707.10 *Renewal of Appeal*

The Board shall not, within six (6) months of its decision on an appeal, accept the same appeal for reconsideration.

708: Amendments

708.1 *Initiation of Amendments or Supplements*

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, the passage of a resolution therefor by the Board of Trustees, or by the filing of an application therefor by one (1) or more of the owners or lessees of property within the area proposed to be affected by the proposed amendment or supplement with the Zoning Commission.

708.2 *Application for Amendment of the Zoning District Map*

An application for amendment of the Zoning District Map adopted as part of this Resolution shall contain at least the following information, unless specific items are waived by the Board of Zoning Appeals:

- (a) The name, address, and telephone number of the applicant;
- (b) A statement of the reason(s) for the proposed amendment;
- (c) Present use of the subject property;
- (d) Present zoning district of the subject property;
- (e) Description of the proposed use of the subject property;
- (f) Proposed zoning district;
- (g) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other information as the Zoning Inspector may require;
- (h) A list of all property owners and their mailing addresses as appearing on the County Auditor's current tax list whose property is within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- (i) A statement on the ways in which the proposed amendment relates to the adopted plans of the Township;
- (j) A fee as established by Resolution of the Board of Township Trustees;
- (k) Legal description of property and proof of ownership.

708.3 *Application for Zoning Text Amendment*

An application for an amendment proposing to change, supplement, amend or repeal any portion of this Resolution, other than the Zoning District Map, shall contain at least the following information:

- (a) The name, address, and telephone number of the applicant;
- (b) The proposed amending resolution, approved as to form by the Township Trustees' Legal Counsel.
- (c) A statement of the reason(s) for the proposed amendment;
- (d) A statement explaining the ways in which the proposed amendment relates to the adopted plans of the Township;
- (e) A fee as established by Resolution of the Board of Township Trustees.

708.4 *Procedure for Change*

Applications for amendments or supplements to the Zoning Resolution shall be submitted to the Zoning Commission upon such forms and shall be accompanied by such data and information, as may be prescribed for that purpose by the Zoning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be changed or affected, attesting to the truth and correctness of all facts and information presented with the application.

708.5 *Public Hearing by the Zoning Commission*

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of hearing shall be given by the Zoning Commission by one (1)

publication in one (1) or more newspapers of general circulation in the Township at least 10 days before the date of such hearing.

708.6 *Written Notice*

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first-class mail, at least ten (10) days before the date of the public hearing to all owners of property within and within 500 feet of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice, as stated in Section 708.11, is all that is required. The published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

708.7 *Transmittal to Regional Planning Commission*

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof together with a text and a map pertaining thereto to the Regional Planning Commission.

708.8 *Action by Regional Planning Commission*

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

708.9 *Public Hearing by Zoning Commission*

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Trustees.

708.10 *Public Hearing by Board of Trustees*

The Board of Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board of Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

708.11 *Public Notice*

If the proposed amendment or supplement intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published

notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

If the proposed amendment or supplement alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall contain the required information as set forth in Section 519.12 of the Ohio Revised Code.

708.12 Action by Board of Trustees

Within twenty (20) days after the public hearing, the Trustees shall either adopt or deny or adopt with modifications the recommendation thereof. In the event the Trustees deny or modify the recommendation of the Zoning Commission, the majority vote of the Board of Trustees shall be required.

708.13 Effective Date of Amendment or Supplement; Referendum

Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of registered electors residing in the unincorporated area of Fairfield Township equal to not less than eight percent (8%) of the total vote cast for all candidates in such area at the last preceding general election at which a governor was elected, requesting the Board of Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

708.14 Submission of Petition to Board of Trustees

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

708.15 Result of Referendum

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment or supplement. Upon certification by the Board of Elections that the amendment or supplement has been approved by the voters, it shall take immediate effect.

708.16 Fees

Each application for a zoning amendment or supplement, except those initiated by the Zoning Commission or Board of Trustees, shall be accompanied by the required application fee for such.

708.17 Planned Unit Development Criteria & Review Process

- a) Pursuant to Section 519.021(C) of the Ohio Revised Code, the Planned Unit Development Overlay District, abbreviated PUD, may be applied to any qualified property in the Agricultural-Residential District (AR-1) and Low Density Residential District (R-2). The zoning regulations there under shall continue to apply to all such

property unless the Zoning Commission approves an application of an owner of property to subject the owner's property to the provisions of the PUD.

- b) Development in this district shall promote conservation style designed development where open space is provided throughout the development and designed with the following design features:
 - 1) Dwellings should generally be located along the edges of fields, as seen from existing public roads, rather than in the center to reduce visual impact;
 - 2) Eighty-five (85) percent or more of all house lots should abut open space;
 - 3) Retain or replant native vegetation adjacent to wetlands and surface waters;
 - 4) Preserve existing hedge and tree lines;
 - 5) Preserve scenic views and vistas;
 - 6) Avoid new construction on prominent hilltops or ridges;
 - 7) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources;
 - 8) Preserve historic or archaeological sites (i.e. earthworks, burial grounds);
 - 9) Front dwellings on internal roads, not on external roads;
 - 10) Landscape or retain vegetation in common areas with native trees and shrubs;
 - 11) Provide active recreational areas in suitable locations;
 - 12) Include a viable pedestrian circulation system; and
 - 13) Protect natural drainage swales and creeks. No construction of buildings inside the one hundred (100) year floodplain.

- c) The application process shall involve two (2) required steps:
 - 1) A map of existing features for the tract(s) of land to the Zoning Commission and schedule an agreeable time to jointly visit the site for an on-on-site walkabout. The applicant and the Zoning Commission shall walk the site, at which time the primary and secondary conservation areas to be saved shall be identified. At the completion of the on-site walkabout or shortly thereafter a very conceptual Development Plan should be published by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-on-site walkabout. Based upon such comments, a formal Development Plan can be prepared for public hearing.
 - 2) The applicant shall then prepare and submit a formal application and Development Plan, with ten (10) copies and fees, to the Zoning Commission who shall schedule a public hearing. Abutting landowners within five hundred (500) feet of the subject tract shall be notified. The Township Zoning Commission's review is administrative; no Zoning Map amendment is required. The Final Development Plan shall include a detailed development plan and development text highlighting proposed development standards and other information, as may be required by the Zoning Commission.

- d) The Zoning Commission shall hold a public hearing on the request within a reasonable period of time after receipt of the application, Final Development Plan and submission of fees.

- e) The Zoning Commission shall approve the application and Development Plan provided it finds that:

- 1) The proposed use complies with all purposes, requirements and standards established in this Zoning Resolution and that any divergence is warranted by the design and amenities incorporated in the Development Plan;
 - 2) The design preserves and protects primary conservation areas, and adequately provides useable open space in secondary conservation areas;
 - 3) The proposed use is in accord with applicable plans or policies for the area;
 - 4) The proposed development will be adequately served by essential public facilities and services such as roads, walks, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
 - 5) The proposed development is in keeping with the existing land use character and physical development potential of the area. In approving the application and Final Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this Zoning District.
- f) No zoning certificate shall be issued for any structure in any portion of a development until the final subdivision plat for that portion is recorded with the Columbiana County Recorder.
- g) No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless approved by the Zoning Commission. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.
- h) After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to exceed three (3) years or that period approved in the Final Development Plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.
- i) The following are standards for developments in this Zoning District:
- 1) All uses not specifically approved as permitted or conditionally permitted per the plan will be prohibited.
 - 2) Commercial development, provided it is pedestrian-friendly and less than ten percent (10%) of the project area.
 - 3) Minimum tract size: Thirty (30) acres.
 - 4) Open Space: At least fifty (50) percent of the gross tract acreage shall be designated as permanent open space, not to be further subdivided.
 - 5) Gross residential density shall be limited to no more than 0.75 dwelling units per one (1) acre of platted land.
 - 6) Sewage Disposal: For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the Columbiana County Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.
 - 7) Perimeter Setback: No building shall be constructed within fifty (50) feet of the external boundary of the subdivision.
 - 8) Storm Water: No features shall be designed which are likely to cause erosion or flooding.

- 9) Subdivision Standards: Street and drainage improvements shall conform to the subdivision standards for Columbiana County, State of Ohio.
- 10) Paths: Sidewalks or walking paths may be required for subdivisions of more than fifteen (15) lots. Sidewalks/paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Zoning Commission may require paved/unpaved walkways to connect residential areas and open spaces.
- 11) Street Trees: Deciduous, broad leaf street trees with a minimum caliper of two inches (2") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- 12) Minimum Front Setbacks: dwelling units shall be set back forty (40) feet from the road Right-of-Way. Front load garages shall be setback at least ten (10) feet behind the front building line of the dwelling unit, or may be flush with the dwelling unit front if the dwelling unit sets back at least fifty (50) feet from the road Right-of-Way. Side load garages shall be setback at least forty (40) feet from the road Right-of-Way.
- 13) Minimum Lot Size: Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 14) Minimum Lot Width at the Building Line: One hundred (100) feet for single family detached dwelling units on fee simple ownership lots.
- 15) Minimum Side Yards: Fifteen (15) feet each side, with no encroachments, including chimneys, air conditioning units, etc., for single family detached dwellings on fee simple ownership lots. In all other cases, the minimum separation between buildings containing dwelling units shall be thirty (30) feet.
- 16) Driveway Setbacks: Two (2) feet from side lot line. Side-load garages shall provide at least twenty-four (24) feet of paved apron, exclusive of the two (2) foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- 17) Minimum Rear Yard: Fifteen (15) feet for single family detached dwellings on fee simple ownership lots and attached garages and accessory buildings. Attached units or detached condominiums as approved per the Final Development Plan.
- 18) Building Height Requirement: No principal building in this Zoning District shall exceed thirty-five (35) feet in height.
- 19) Minimum Dwelling Unit Floor Area: Fourteen hundred (1,400) square feet per dwelling unit.
- 20) Lighting: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this might be accomplished are fully shielded cut-off fixtures directing light fixtures downward cast rather than upward cast and shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance. All outdoor light pole fixtures shall not exceed a maximum height of ten (10) feet measured from the finished grade established not closer than fifteen (15) feet to the pole.
- 21) Landscaping: A landscape plan for the common open space and streetscape within road Right-of-Way shall be prepared showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and

approved as a part of the Final Development Plan to demonstrate compliance with Article XIII.

22) Parking: Off-street parking shall be provided at the time of construction of each principal structure or building, with adequate provisions for ingress and egress in accordance with the Development Plan. Off-street parking shall otherwise comply with Article XI. Each residential unit shall have a minimum two-car garage.

23) Signs: All signs shall be in accordance with Article XII.

24) Other Requirements: Unless specifically supplemented by the standards, the development shall comply with the requirements of this Zoning District.

- j) The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of open space (whether improved common open space or natural open space), and any other pertinent development characteristics.
- k) The Zoning Commission, as a part of Development Plan approval, may grant divergences from any standard or requirement in this Section with the exception of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan”.
- l) An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission provided the Zoning Commission finds that such extension is not in conflict with public interest. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this Zoning District.

709: Nonconforming Lots, Uses, and Structures

709.1 Purpose

Within the districts established by this Resolution, or by amendments hereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Resolution was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Resolution.

The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination for which a zoning permit became effective prior to the effective date of this Resolution or any amendment hereto.

It is the intent of this Resolution that such nonconformities be allowed to continue until removed. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other uses(s) or structures(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for

in this Resolution.

709.2 *Conditional Uses not Nonconforming*

Any conditional use approved and maintained in conformance with the terms of this Resolution shall not be deemed a nonconforming use, but without further action shall be considered a conforming use.

709.3 *Incompatibility of Nonconformities*

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, of land, or of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment to a building or lot of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would generally be prohibited in the district in which such uses are located.

709.4 *Avoidance of Undue Hardship*

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

709.5 *Nonconformance Use Certificate*

The purpose of this section is to protect the owners of lands or structures which are or become nonconforming.

The Zoning Inspector may upon his/her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies the valid nonconforming status of the lot, structure or use. The certificate shall specify the reason why the use is a nonconforming

use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land uses for the nonconforming use, and the extent that dimensional or other requirements are nonconforming.

One copy of the certificate shall be delivered to the owner and one copy shall be retained by the Zoning Inspector who shall maintain a file of all such certificates as a public record.

No fee shall be charged for such a certificate.

709.6 *Substitution of Nonconforming Uses*

Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

As long as no structural alterations are made, except as required by enforcement of other regulations, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use.

In permitting such change, the Board may require additional conditions and safeguards. Failure to meet such conditions shall be a violation of this Resolution.

709.7 *Nonconforming Lots of Record*

Any lot of record on the effective date of these regulations, which is located in a district which permits such use, may be used for a single family dwelling irrespective of the area, depth, or width of said lot provided, however, that in no instance shall the minimum dimensions of the front and rear yards be less than forty (40) feet and the width of the side yards be less than ten (10) feet. Variances to requirements of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided by this Resolution for variance appeals.

709.8 *Nonconforming Uses of Land*

Where, at the time of adoption of this Resolution, lawful use of land exists which would not be permitted by this Resolution, the use may be continued for as long as it remains otherwise lawful, provided:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Resolution;
- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of the adoption or amendment of this Resolution;
- (c) If any such nonconforming use of land is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises) any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;

- (d) No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

709.9 *Nonconforming Structures*

Where, at the effective date of adoption or amendment to this Resolution, a lawful structure exists that could not be built under the terms of this Resolution by reason of restrictions on areas, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- (b) If such a nonconforming structure or nonconforming portion thereof is destroyed by any means it shall not be reconstructed except in conformity with the provisions of this Resolution;
- (c) If any structure is moved for any reason for any distance whatever, it shall thereafter be made to conform to the regulations of this Resolution.

709.10 *Nonconforming Uses of Structures or of Structures and Land in Combination*

If a lawful use involving individual structures, or a structure and land in combination exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure or of a structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.;
- (e) When a nonconforming use of a structure, or of structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the

structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

709.11 *Termination of Nonconforming Uses*

When any nonconforming use is voluntarily discontinued or abandoned for more than two

(2) years, any subsequent use shall not thereafter be established except in conformity with the provisions of this Resolution. The nonconforming use shall not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

In the event that any nonconforming building or structure is destroyed or damaged by any means, it may be rebuilt or restored if it is to be reoccupied for the same use and if it is rebuilt or restored to replacement cost and in accordance with all applicable regulations of this Resolution.

- (a) A Zoning Permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction. Rebuilding shall be diligently pursued to completion.
- (b) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformity or noncompliance existing prior to such damage or destruction.

709.12 *Repairs and Maintenance*

The provisions of this Resolution shall not be deemed to prohibit ordinary repairs and maintenance of buildings or structures devoted to a nonconforming use, nonconforming buildings or structures, or buildings or structures located on nonconforming lots of record provided that no change shall be made to any such buildings or structures which would increase any nonconformity or the cubical content.

710: Zoning Fee Schedule

The Board of Township Trustees shall by resolution establish a schedule of fees for zoning permits, certificates, conditional use permits, amendments to this Resolution or to the Zoning District Map, appeals, variances, plan approvals and other procedures and services pertaining to the administration and enforcement of this Resolution.

No action shall be taken on any application, appeal, or administrative procedure until all such appropriate fees, charges, and expenses have been paid.

711: Violations

711.1 *Violations and Penalties*

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of the provisions of this Resolution. Any person, firm, or corporation violating any of the provisions of this Resolution shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses involved in the case. Each day of violation shall be deemed a separate offense.

711.2 *Notice of Violation*

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, the Zoning Inspector shall cause a warning tag to be issued which shall serve as a notice of violation. Such warning tag shall be in writing and shall:

- (a) Identify the violation;
- (b) Include a statement of the reasons the warning tag is being issued and refer to the sections of the Resolution which are being violated;
- (c) State the time by which the violation shall be corrected.

Service of the warning tag shall be by one or more of the following methods:

- (a) Personal delivery to the person or persons responsible for the violation, or by leaving the notice with a person of suitable age and discretion at the usual place of residence of the owner of the subject property;
- (b) Certified mail addressed to the last known address of the persons responsible; with subsequent re-mailing if necessary via ordinary mail evidenced by a certificate of mailing;
- (c) Posting of the notice form in a conspicuous place on the premises in violation.

711.3 *Other Remedies to Violations*

Nothing in this Resolution shall be deemed to abolish, impair, or prevent additional remedies as provided by law. When any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Resolution, then the Board of Township Trustees, the Prosecuting Attorney of Columbiana County, State of Ohio, or an adjacent property owner who would be especially damaged by such violation, in addition to all other remedies provided by law, may institute injunction, mandamus, abatement or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

711.4 *Complaints Regarding Violations*

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file with the Zoning Inspector a written complaint which shall state in full the causes and basis thereof. The Zoning Inspector shall record such complaint, investigate, and take action thereon in conformance with this Resolution.

711.5 *Abatement of Dangerous Property Conditions and Nuisances*

In conformance with the authorities and procedures provided in the Ohio Revised Code, the Board of Township Trustees may provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared insecure, unsafe, or structurally defective by a fire department under contract with the Township or by the county building department or other authority responsible under the Ohio Revised Code for the enforcement of building regulations or the performance of building inspections in the Township, or buildings or other structures that have been declared unfit for human habitation by the board of Health of the general health district of which the Township is a part.

Further, the Board of Township Trustees may provide for the abatement, control, or removal, of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a menace.

ARTICLE 800: DEFINITIONS

801: Rules of Construction

Words and phrases as used in this Resolution shall be defined as defined herein, except for those which have acquired a technical or particular meaning, whether by legislative definition or otherwise, and which shall be construed accordingly. Words not specifically defined shall be defined by their common and ordinary meanings.

Unless the context otherwise requires, the singular includes the plural and the plural includes the singular, words in one gender include the other gender, and words in the present tense include the future tense.

The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.

The word “person” includes an individual, association, corporation, company, firm, organization, business trust, trust, estate, partnership, association, or any other legal entity.

“Owner”, when applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

“Tenant” or “occupant” as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.

“Premises” as applied to property includes land and buildings.

802: Specific Meanings of Words or Phrases

As used in this Resolution, all words used shall have their customary meanings as defined in Webster’s New World Dictionary most recent published edition, except those specifically defined herein. Certain words and phrases shall have the following meanings:

“**Abandonment**” means the cessation of a use of a building or structure for the purpose for which it was constructed or used.

“**Access Drive**” means a paved area providing access from a lot to a road.

“**Accessory Use or Accessory Structure**” means a use or structure which is located on the same lot as a main use or structure, which is incidental, subordinate to, and serves the main use or structure, and which otherwise conforms to the provisions of this Resolution, including Section 405.01.

“Adopted Plans of the Township” means a plan or plans adopted by the Trustees, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, transportation network, recreation and community facilities and which may include statements setting forth the goals, objectives and policies of the Township for such developments.

“Agriculture” means the use of land for the purpose, as defined by the Ohio Revised Code, of farming, dairying, pasture, apiculture, horticulture, floriculture, viticulture, animal or poultry husbandry, pomiculture, and or silviculture.

“Agriculture Exemption” applies to any land complying with current agricultural use value (CAUV) as recognized by Columbiana County, State of Ohio.

“Agricultural Roadside Stand” means a structure or building used for the sale of seasonal agricultural goods in conformance with Section 404.04 of this Resolution.

“Agricultural Farm Market” means a use accessory to a principal agricultural use and located on the same lot which is intended for the sale of goods, of which at least fifty percent (50%) of gross sales are made on goods produced, raised, or grown on the merchant’s farm.

“Agritourism” is the act of visiting an Agritourism Use for the purposes of enjoyment, education or active participation in associated agricultural activities.

“Agritourism Use” means an activity or use located on the premise of a working farm or other agricultural operation or facility, which is operated for the purpose of entertaining and/or educating visitors, guests or customers, and which generates income for the owner/operator. Some examples of Agritourism Uses include, but are not limited to: petting zoos, guided tours, cooking and food preservation courses, farm kitchens, “pick-your-own” pumpkin, berry, etc. operations, corn mazes, horseback riding, temporary gatherings such as weddings and festivals, photography events, and more.

“Aisle” means a paved area which provides access to parking spaces and which is not intended for general or through traffic.

“Amendment” means an addition to, deletion from, or change in this Zoning Resolution, including changes to the text and/or map, as provided by Sections 205 and 708 of this Resolution and as regulated by the Ohio Revised Code.

“Architectural Review Board” means appointee(s) responsible for reviewing proposed exterior improvements as permitted by the Ohio Revised Code.

“Assisted Living Facility, Board and Care Home, Convalescent Home, or Nursing Home” means a facility licensed by the Sate of Ohio (other than a hospital, adult family home, adult group home, family home, foster family home, or group home for the mentally or physically disabled) which may be the permanent or temporary residence of persons who are elderly or disabled and who require and are provided supervision or assistance with daily living needs, medical care, and other care on a continuing basis or during a period of therapy and recovery. These terms do not include a facility which provides residential facilities for persons having mental illness or severe mental disabilities.

“Automatic Laundry” means a commercial facility for washing clothes which permits the public to operate the washing or drying machines.

“Aviation Facility” means an airport, runway, or landing strip or other facility designed or used for the landing and takeoff of aircraft, and its accessory uses and structures, including taxiways, aircraft storage, aircraft rental, tie-down areas, hangars, runway, repair or maintenance services, flight schools, and other necessary buildings and open spaces.

“Awning” means a roof-like shelter of canvas or other material extending over a doorway, from the top of a window, or over a deck, etc., designed to provide protection.

“Basement” means that portion of a building that is partially or completely below ground level grade.

“Bed and Breakfast Inn” means a building in which lodging and meals are provided for not more than ten (10) guests at one time, for compensation, and which is occupied and managed by the owner.

“Begin Construction” means excavation and foundation walls completed within sixty days of issuance of permit.

“Block Front” means all the properties adjacent to a right-of-way, on one side of the right-of-way, located between intersecting rights-of-way.

“Board, or Board of Zoning Appeals” means the board of five (5) members appointed by the Township Board of Trustees, having authority for specific duties, among which is the hearing of appeals, interpretation of the Zoning Resolution, and the granting of Conditional Use Permits, Emergency Use Certificates and Variances. See Section 705.

“Boarding House or Lodging House” means a building, other than a hotel, motel, or school dormitory, where, for compensation and by prearrangement for definite periods, meals are served and lodging is provided for three or more persons but not more than twenty (20) persons.

“Building” means any structure designed or used, or intended to be used, for the support, enclosure, shelter, or protection of persons, animals, chattel or property.

“Building, Height of” means the vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge of gable, hip or gambrel roof of a building.

“Building, Main” means a building on a lot used to accommodate the primary use to which the premises are devoted.

“Building or Facility, Government” means a building used for administrative, service, or cultural purposes, operated by a tax-supported agency.

“Business Service” means any profit-making activity which performs services primarily for other commercial or industrial enterprises, including the following: advertising, news syndicate, employment or personnel, medical and health-related, engineering, architecture,

planning, legal, duplicating, addressing, photocopying, stenographic, mailing, business machine and repair, printing, blueprinting, and newspaper printing.

“Canopy” means a roof-like structure made of cloth or metal, extending over a doorway, and is carried by a frame that is supported by the ground.

“Car Wash” means any building or portion thereof containing facilities for washing more than two (2) automobiles and which may use production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

“Collocation” means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

“Cemetery” means land used for the burial of the human or animal dead and dedicated for cemetery purposes, which may include such accessory uses and structures as crematoriums, mausoleums, and mortuaries, operated in connection with and within the boundaries of the cemetery.

“Child Day Care Center” means a child day care center as defined by the Ohio Revised Code, which may provide day care to thirteen (13) or more children. The following are not included: public schools, non-public schools whether or not accredited by the Ohio State Board of Education, which regularly and exclusively provide a course of grade school instruction to children who are of public school age, summer day camps, and Bible Schools normally conducted during vacation periods. Incidental facilities for the preparation and consumption of meals, rest and recreation may be included. The term does not include a Type A or Type B Family Day Care Home.

“Clinic or Medical and Health-related Services” means an establishment used for the care, diagnosis and treatment of sick, ailing, or injured persons, and those who are in need of medical and surgical attention, but which does not provide room or board or overnight care or accommodations for such persons on the premises. The term includes the offices where services are provided by doctors, dentists, and other medical practitioners licensed by the State of Ohio, but does not include a hospital or emergency care center.

“Club, Lodge, Fraternal or Social Organization” means a nonprofit association of persons paying membership dues, which owns, hires, or leases a building, or a portion thereof, with use of such premises restricted to members and their guests.

“Conditional use permit” means a certificate or permit issued by the Zoning Inspector upon approval or by order of the Board of Zoning Appeals to permit a use with conditions and standards for a use other than that principally permitted by right within the district.

“County Health Department” means the Columbiana County Health Department.

“Crematorium” means an establishment for the burning of corpses.

“Density” means a unit of measurement describing the number of dwelling units per gross acre.

“Depth” means the least horizontal distance between two lines, usually between a property

line and a line denoting a minimum setback or between a lot line and the actual location of a structure.

“Depth, Lot” means the horizontal distance between the front lot line and the rear lot line.

“District or Zoning District” means an area of the Township of Fairfield, with boundaries illustrated on the Zoning District Map which is part of this Resolution, for which the zoning regulations governing the use of the land, buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

“District, Commercial” means the following districts: C-1 Local Commercial, C-2 General Business and C-3 Highway Commercial.

“District, Industrial” means the I-1 Light Industrial District.

“District, Residential” means the following districts: AR-1 Agricultural-Residential, R-2 Low Density Residential and R-3 Medium Density Residential.

“Drive-in Establishment” means a facility which by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service, obtain a product, or use or consume a service or product while remaining in an automobile or other vehicle, including but not limited to drive-up food service, car wash, bank teller, and book or tape drop-off.

“Dwelling” means any building or portion thereof, which is designed or used primarily for the activities of living, cooking, sleeping, and eating for one family or household, but not including hotels, motels, boarding house, lodging houses, and tourist homes. An attached garage shall be considered a part of a dwelling for the purpose of determining the front, side, and rear yards.

The meaning of the term “dwelling” includes a manufactured home, that is, a dwelling fabricated in an off-site manufacturing facility for installation or assembly at a building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code.

The meaning of the term “dwelling” does not include a mobile home or any other portable structure used as a dwelling.

“Dwelling, Single-Family” means any building or portion thereof, arranged, or used to contain one dwelling, which shall be free-standing and not attached to any other dwelling.

“Dwelling, Two-Family” means a building containing two (2) dwellings.

“Dwelling, Multi-Family” means a building containing three (3) or more dwellings, with each dwelling having an individual entrance. This may include townhouses or apartments.

“Educational Institution” means a public or non-public school, whether or not accredited by the Ohio Board of Education, which regularly and exclusively provides a course of instruction to children or adults, and including a pre-school, kindergarten, elementary school, middle school, high school, college, or technical school, but does not include a child

day care center.

“Emergency Care Center” means a medical facility which provides 24-hour emergency services to the public.

“Family Day Care Home, Type A or Type B” means any establishment, as defined and regulated by the Ohio Revised Code, in which day care is provided for adults or children, with or without compensation, in a build which is not the permanent residence of the people utilizing the services. It provides care and may include incidental facilities for the preparation and consumption of meals, rest and recreation. The term does not include an educational institution.

“Fences or Wall” means a barrier, hedge, wall structure or partition, whether wood, metal or of other construction, erected for the purpose of enclosing a piece of land from adjoining land or streets, for protection, confinement or decorative purposes. Fence includes a natural growth which forms a continuous line of foliage from one plant to another for a length. A hedge or other natural growth of two feet or less in height shall not be considered a fence.

“Floor Area” means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the centerline of common walls separating two (2) buildings. As applied to any building other than a dwelling, floor area shall not include elevator and stair bulkheads, and attic space which cannot be occupied by a use, terraces, breezeways, open porches and uncovered steps. As applied to a dwelling, floor area shall not include a basement, open porch, deck and/or attached garage, breezeway, terrace, or utility room.

“Frontage” means that area of a lot, typically the front lot line, contiguous with a right-of-way and across which vehicular movement or access is permitted.

“Funeral Home” means a building or part thereof used for funeral services. Such building may contain space and facilities for embalming and for other services used in the preparation of the dead for burial, storage of caskets, urns, and other supplies, and storage of funeral vehicles, but shall not include facilities for cremation.

“Gasoline Service Station” means a building or premises where gasoline, kerosene, or any other motor fuel or lubricating grease or oil for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and which may include, as accessory uses, light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, washing, waxing, and polishing of motor vehicles, retail sales of packaged foods, drinks, informational material or other convenience goods, or restroom facilities. The term shall not include premises where heavy vehicle maintenance or repair activities are conducted, such as engine overhaul, painting, or bodywork.

“Grade, Finished” means the average level of the finished surface of the ground adjacent to the exterior walls of a building.

“Grade, Natural” means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

“Home Occupation” means an accessory use which is an activity, profession, occupation,

service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of a premises as a dwelling and carried on by the inhabitants thereof, in conformance with the provisions of this Resolution including Section 703.

“Hospital” means any building or other structure containing beds for at least four (4) patients which may be used for overnight or longer stays for the purpose of medical diagnosis, treatment, or other care of ailments.

“Hotel” means a building, except a school dormitory, in which lodging is available for more than twenty (20) persons for compensation, which has access to all rooms through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding or lodging house.

“Kennel, Private” means a for-profit use which is designed or arranged for the care of dogs or cats which are not the property of the owner.

“Landscaping” means the aesthetic improvement of property through the installation of plant materials, berming, walls, fences, or other improvements other than buildings and parking facilities.

“Limited commercial event” means a planned and controlled seasonal commercial event, which is conducted in conformance with a conditional use permit, for the exhibit and sale of craft articles, antiques, and related incidental activities.

“Loading Facilities” means an area and/or the related equipment, used exclusively for bulk pickups and deliveries by vehicles, within or outside of a building.

“Lot” means a parcel of land legally existing intended as a unit for the purpose of transfer of ownership or for building development or for other use.

“Lot, Corner” means a lot having frontage on two roads at their intersection.

“Lot Area, Minimum” means the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a pond, lake, or river, and being the least area permitted for a lot in its district.

“Lot Frontage, Minimum” means the least length of frontage permitted for a lot in its district.

“Lot Line” means a property line defining a limit of a lot.

“Lot Line, Front” means a lot line, typically the frontage of a lot and typically extending between two side lot lines. Applied to a corner lot, the front lot line is typically the shorter of two frontage lines, as determined by the Zoning Inspector.

“Lot Line, Rear” means a lot line not intersecting a front lot line, typically intersecting two side lot lines, that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

“Lot Width” means the straight line distance between the points on the side lot lines which are located at the minimum depth for a front yard.

“Mini-Storage” means the use of a lot for rental to the public or self-contained, fully enclosed and separately accessed storage units within a single structure or more than one structure.

“Motel” means a building or group of buildings on the same lot, open to the public to provide lodging for more than twenty (20) persons for compensation, having an office supervised by a person in charge at all times, containing sleeping accommodations but no facilities for cooking. The term shall not include hotel, boarding house, or bed and breakfast inn, which are separately defined.

“Nonconforming Lot” means a lot which lawfully existed prior to the adoption, revision to or amendment of this Resolution, but which fails by reason of such adoption, revision or amendment, to meet the minimum area or lot width or depth requirements, and as regulated by Section 709 of this Resolution.

“Nonconforming Structure” means a structure existing at the effective date of this Resolution, or any amendment to it, that does not meet the requirements on size and/or location on lot, for the district in which such structure is located, and as regulated by Section 709 of this Resolution.

“Nonconforming Use” means the use of a structure, or land lawfully occupied by a use on the effective date of this amended Zoning Resolution or any amendment thereto, which does not conform to the use provisions of the district in which it is situated, and as regulated by Section 709 of this Resolution.

“Nonconforming Use, Certificate of” means the certificate issued by the Zoning Inspector for any use of any land, building or structure, lawful at the time of the enactment of this Resolution, which does not comply with all of the regulations of this Resolution or of any amendment thereto governing use of the district in which such use is located.

“Office” means a building or portion thereof wherein services are performed involving predominantly administrative, executive, professional, clerical, financial, drafting, and/or sales operations.

“Outdoor Advertising” means a structure or use as defined by the Ohio Revised Code 519.20.

“Outdoor Sales, Service, Storage or Display” means any business activity conducted outside of an enclosed building which involves the sale, rental, or lease of goods or the sale or provision of services or the storage of materials, equipment, or waste related to a business activity (other than normal amounts of domestic waste), or the placing of such materials or equipment in a manner intended for view by customers.

“Parking Area or Parking Facility” means a paved area of land used for storage or parking of vehicles and for the access to and operation of such parking activity. Parking is typically an accessory use, but may be established as a conditional use.

“Parking Space” means a paved area intended for the storage of one automobile, conforming to the provisions of this Resolution.

“Personal Services” means an enterprise conducted for profit which primarily offers services to the general public, including dry cleaning, shoe repair, watch repair, barber shop, beauty shop, tailor, dressmaker, and similar business activities.

“Place of Worship” means a structure or other indoor or outdoor facility that people regularly attend to participate in or hold religious services, meetings, and related educational, cultural and social activities, including a church, synagogue, temple, or mosque.

“Professional Activity or Professional Office” means the use of offices and related spaces for professional services, which are provided by medical practitioners, lawyers, accountants, architects, engineers, and similar professionals.

“Recreation, Commercial” means an enterprise operated for profit providing access to a swimming facility, golf course, miniature golf course, golf driving range, tennis court, horse riding facility, picnic ground, campground, or similar recreational use, but not including a drive-in theater, pistol range, or other range for the use of firearms.

“Recreation, Non-Commercial” means a non-profit or not-for-profit enterprise providing access to a swimming facility, golfcourse, miniature golf course, golf driving range, tennis court, horse riding facility, picnic ground, or similar recreational use, but not including a drive-in theater, pistol range, or other range for the use of firearms.

“Recreational Vehicle” means a boat, camping trailer, motor home, travel trailer, truck or van camper used primarily by the owner for recreation purposes and not used commercially or owned by a business.

“Research and Development Activity” means research, development and/or testing related to product development in conjunction with testing, laboratory, and minor fabricating and assembly operations, in such fields as chemical pharmaceutical, medical, electrical, transportation, and engineering.

“Residential Buffer” means the required area of separation between two different land uses in which open space, fences, walls, plant material, earthen berms, or other configurations of land, buildings, or site features are required to eliminate or reduce the impacts of one use or potential use upon another.

“Restaurant” means an establishment that sells prepared food or beverages for consumption on the premises, but not providing dancing or entertainment.

“Right-Of-Way” means an area of land controlled by the Township, Columbiana County, State of Ohio, or the federal government over which one or more of the aforementioned governments have possession of rights for public passage, such area being occupied or intended to be occupied by a road for public vehicular travel or access.

“Road” means the area and facilities within a right-of-way intended to be used for motor vehicle travel by the public.

“Satellite Dish Antenna” means an earth station, or an accessory structure capable of receiving radio or television signals from a transmitter or from a transmitter relay located in planetary orbit. See Section 405.04.

“Setback” means the minimum required horizontal distance between a lot line and a structure.

“Sexually Oriented Business” means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. The term does not include within its meaning a nude model studio.

The terms referenced in the above definition shall be defined as follows:

1. “Adult Arcade” means any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified sexual activities or specified anatomical areas.
2. “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:
 - (a) books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - (b) instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.
3. “Adult Cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) persons who appear in a state of nudity; or
 - (b) live performances which are characterized by the exposure of specified anatomical area or by specified sexual activities; or
 - (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

4. “Adult Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
5. “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 specified sexual activities.
6. “Nude Model Studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

As used in the foregoing definitions, the following terms shall have the following meanings:

7. “Nudity” or a “State of Nudity” means:
 - (a) the appearance of a human bare buttock, anus, genitals, or areola of the female breast; or
 - (b) a state of dress which fails to cover opaquely a human buttock, anus, genitals, or areola of the female breast.
8. “Specified Anatomical Areas” means human genitals.
9. “Specified Sexual Activities” means any of the following:
 - (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) masturbation, actual or simulated.

“**Sign**” means a name, identification, emblem, symbol, trademark, flag, banner, pennant, description, display, or illustration which is directly or indirectly affixed to, painted upon, represented upon, or made visible in any manner whatsoever upon a building, manmade object, natural object, ground, structure, parcel, or lot, and which is designed, intended, or used to convey a message, or to announce, identify, make known, give direction, or direct attention to an object, product, place, activity, person, institution, organization, idea, concept, or business, and which is visible from an adjacent lot or road.

“**Sign, Freestanding**” means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

“**Sign, Height**” means the vertical distance measured from the natural grade or approved finish grade of the ground upon which a sign rests to the highest point of the sign.

“**Sign, High Rise Pole**” means a freestanding sign permitted in the C-3 District conforming to the provisions of this Resolution.

“Sign, Home Occupation” means a sign announcing only the name and nature of business of a home occupation which conforms with the provisions of this Resolution.

“Sign, Portable” means a freestanding sign not permanently anchored or secured to the ground, including, but not limited to “A-frame” and trailer signs and any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service, or entertainment when that vehicle is so parked as to attract attention of the public.

“Sign, Public Building” means a sign displaying the name, services, and activities of a place of worship, educational institution, or governmental building or facility and conforming with the provisions of this Resolution.

“Sign, Roadside Stand” means a sign on the same site as a roadside stand conforming with the provisions of this Resolution and with the Ohio Revised Code, advertising the name of the stand and/or the products sold at the roadside stand.

“Sign, Setback” means the minimum horizontal distance required between any part of a sign and the line of a right-of-way or other property line.

“Sign, Surface Area” means the entire area within a single continuous perimeter enclosing the limits of lettering, emblems, or other figures or elements of a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. The structural elements shall not normally be included within the sign surface area except if of such size or design as to attract attention.

The area of a sign means that area which is normally visible from any one direction. (Example: a flat, rectangular freestanding sign four feet by five feet with a display on both sides shall be considered to have a sign area of twenty square feet.) Curved, spherical, or other shape of sign face in other than a flat plane shall be computed based on the actual surface area.

“Sign, Wall” means a sign attached to a wall and not projecting away from the wall more than twelve (12) inches.

“Similar Use” means a use which is not specifically identified in this Resolution as a permitted use or conditional use in a district, but which is determined to be similar to and compatible with another use or uses in the district and which may be approved as a conditional use by the Board of Zoning Appeals according to the provisions of Article 703 and particularly Section 703.09.

“Site Plan” means documents as required by Section 406 of this Resolution, prepared for the purposes of illustrating, reviewing, and approving uses, buildings, and other improvements.

“Stop Work Order” means a directive to cease work, issued by the Zoning Inspector upon determining that work is being performed contrary to the Zoning Resolution.

“Storage” means the keeping of materials, equipment, or other matter on a lot for purposes relating to a for-profit enterprise.

“Structure” means anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land. This includes but is not limited to buildings, mobile homes, signs, outdoor advertising, and roadside stands.

“Substantially Complete” means: Address established and mailbox installed; foundation back filled (when applicable); entire property rough graded; exterior side walls installed; roof in place and shingled; windows installed; exterior doors installed (to include garage door(s) if applicable); exterior siding/exterior finish installed and painted, if required; driveway and/or driveway base installed.

“Swimming Pool” A permanent above ground or in the ground structure for swimming or bathing, intended to remain in place year round according to manufacturer’s specifications. [See ZA-2003-06].

“Township” means the Township of Fairfield, Columbiana County, State of Ohio.

“Township Fiscal Officer” means the Fiscal Officer of the Township of Fairfield.

“Transient Vendor” means a person engaged in short-term retail sales of goods on a lot as regulated by the provisions of Section 402.06 of this Resolution.

“Trustees, Board of Trustees” means the governing body of the Township of Fairfield, an elected Board of Three (3) persons, empowered by the Ohio Revised Code of the State of Ohio to conduct business and make decisions in an official capacity.

“Use” means the purpose or activity for which land or structures are designed, arranged, or intended or for which they are occupied or maintained.

“Use, Accessory” means a use which is incidental and subordinate to the main use of a premises.

“Use, Conditional” means a use which, because of its unique characteristics, has the potential to be made compatible with the use characteristics of a district, but which cannot be properly classified as a permitted use in a particular district. It requires that a Conditional use permit be applied for, reviewed, and approved by the Board of Zoning Appeals.

“Use, Main” means the primary purpose for which a structure, building, or land is or may be occupied.

“Use, Permitted” means a use identified in this Resolution as allowed by right in a district.

“Variance” means a modification of the strict application of the provisions of this Resolution where such modification will not be contrary to the public interest, not to the intent of this Resolution, and where, owing to conditions peculiar to the property, and not the result of the action of the applicant, a literal enforcement of the Resolution would result in undue and unnecessary hardship or a practical difficulty. See Section 707.

“Vehicle Sales, Service, Rental, Leasing” means a use involving the display, sale, rental or leasing of new or used vehicles, including automobiles, trucks, trailers, mobile homes, farm implements, or boats.

“Veterinary Hospital or Clinic” means a place providing care, grooming, diagnosis, and treatment of sick, infirm or injured animals, and those who are in need of medical or surgical attention, and may provide overnight stays for treatment, observation, and/or recuperation.

“Warehouse” means a building used primarily for the storage of goods and materials.

“Wholesale Use” means a use devoted to the sale of goods in relatively large quantities for a lower cost than retail, with sales predominantly to businesses and tradespersons and generally not to the general public.

“Wireless Telecommunications Facility” means the equipment and structures involved in receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with another communications source.

“Wireless Telecommunication Tower” means a structure intended to support equipment used to transmit and/or receive telecommunications and/or radio signals.

“Yard” means an open space on a lot which either is or is required to be unoccupied and unobstructed from the ground upward by any structure or part or projection thereof, except as otherwise provided in this Resolution.

“Yard, Front” means a yard extending across the full width of a lot, typically from one side lot line to the other, and extending from the front lot line to the line which represents the minimum front yard depth required in the district.

“Yard, Rear” means a yard extending across the full width of a lot, typically from one side lot line to the other, and extending from the rear lot line to the line which represents the minimum rear yard depth required in the district.

“Yard, Side” means a yard, located between and abutting the front yard and the side yard of the same lot, extending from a side lot line to the line which represents the minimum side yard depth required in the district.

“Zoning Permit” means the document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses and structures.

“Zoning Commission, or Commission” means the appointed body of five (5) members, appointed by the Board of Trustees with specific duties and functions established in the Revised Code of the State of Ohio and this Resolution, among which are review and recommendations regarding amendments to this Resolution and to districts. See Section 704.

“Zoning District Map” means the map adopted as part of this Resolution, as lawfully amended, which depicts the division of the Township into zoning districts and their boundary lines.

“Zoning Inspector” means the employee of the Board of Township Trustees who is charged with the enforcement of this Resolution.

“Zoning Resolution” means the codified set of local regulatory laws for land use, officially entitled the Fairfield Township Zoning Resolution and all amendments.

ZONING PERMIT FEE SCHEDULE

A supplement of the Zoning Resolution

Dwellings of all types. Per dwelling (Includes a dwelling moved from an off-site location)\$150.00

Additions to a dwelling:

Living space addition, costing under five thousand dollars (\$5,000)\$50.00

Living space addition, costing five thousand dollars (\$5,000) to twenty-thousand dollars (\$20,000).....\$75.00

Living space addition, costing over twenty thousand dollars (\$20,000)\$125.00

Garage addition, non-residence area: Same fee schedule as an accessory building

Repairs, maintenance, and improvement work are exempt.

Residential Accessory Buildings:

One (1) to One-hundred (100) square feet Exempt

One-hundred and one (101) to two-hundred (200) square feet.....\$20.00

Two-hundred and one (201) to one-thousand (1,000) square feet.....\$40.00

One-thousand and one (1,001) to twenty five hundred (2,500) square feet\$60.00

Twenty five hundred and one (2501) and up\$90.00

Emergency Use Permit..... No Charge

Commercial, Industrial, Research and Office Structures and Additions:

Basic fee per structure.....\$50.00

For structures over one-thousand (1,000) square feet:
An additional fee of one dollar and fifty cents (\$1.50) per one hundred (100) square feet over the first one thousand (1,000) square feet shall be assessed.
The maximum fee (including the basic fee) shall not exceed two hundred fifty dollars (\$250.00).

Recreational, Institutional, Governmental and Miscellaneous Structures and Additions:

Basic fee per structure.....\$40.00

Signs:

Signs advertising a business or service, other than a home occupation,
being operated on the premises:

Less than twenty-five (25) square feet.....\$15.00

Twenty-five (25) square feet or larger\$30.00

Signs advertising a home occupation..... No Charge

Subdivision or temporary real estate sign advertising the development of the
premises or the opening and identification of a new subdivision\$50.00

Signs advertising the sale or rental of real estate No Charge

Political Sign Bond: Bond shall be returned to the depositor provided all signs
have been removed within ten (10) days after the election.....\$100.00

Special events signs advertising events sponsored by schools, clubs, churches, etc..... No Charge

Outdoor Advertising Signs (Billboards)

Permits shall be reviewed for renewal annually (Applies to Billboards)

Outdoor advertising signs pertaining to businesses, services, and/or activities not
performed upon the premises on which the sign is located:

Less than twenty-five (25) square feet.....\$25.00

Twenty-five (25) square feet to fifty (50) square feet.....\$50.00

Fifty-one (51) square feet to one hundred (100) square feet\$100.00

One hundred and one (101) square feet to two hundred (200) square feet.....\$200.00

Base fee for signs over two hundred (200) square feet.....\$200.00*

*** Plus one dollar (\$1.00) per square foot for every square foot over
two hundred (200) square feet**

Fences:

Residential fences:

Up to five hundred (500) linear feet No Charge

Five hundred and one (501) linear feet and up\$50.00

Nonresidential fences:

Up to five hundred (500) linear feet\$25.00

Five hundred and one (501) to one thousand (1,000) linear feet\$50.00

One thousand and one (1,001) linear feet and up\$75.00

Application for Variance\$150.00

Application for Conditional Zoning Permit\$150.00

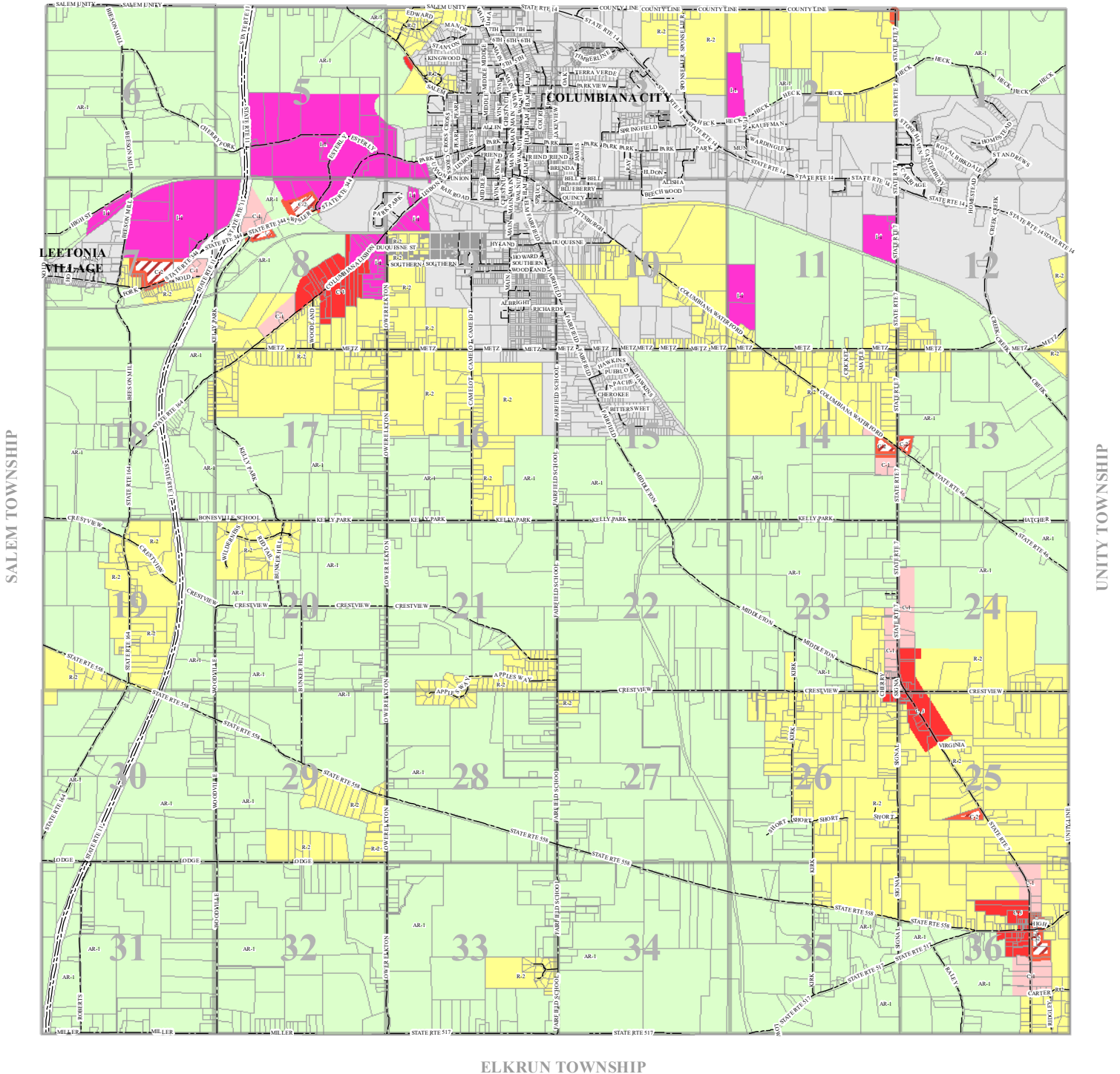
Zoning Resolution Amendment Application\$150.00

Application for Zoning Change\$150.00

Reapplication fee for any of the above applications will be the same as the initial fee.

NOTICE: PERMITS APPLIED FOR AFTER THE START OF THE ACTION AND/OR BUILDING COMMENCEMENT SHALL REQUIRE DOUBLE THE SPECIFIED FEE HEREIN STATED.

MAHONING COUNTY - BEAVER TOWNSHIP



SALEM TOWNSHIP

UNITY TOWNSHIP

ELKRUN TOWNSHIP

Official Zoning Map

Zoning Districts Map
 Fairfield Township Local Government District
 County of Columbiana
 State of Ohio

Legend

	Roads		C-2
	Sections		C-3
	Property Lines		I-1
	Zoning Districts		R-2
	AR-1		R-3
	C-1		Municipalities

Certification

This is to certify that this is the official Zoning District Map of Fairfield Township, Columbiana County, State of Ohio. This map was adopted this 15th day of October, 2020.

Fairfield Township Board of Trustees: *David Thompson, Chairman*

Fairfield Township Fiscal Officer: *Emily Wilson*

0 0.25 0.5 1 Miles

1 in = 1 mile - Original Size (8.5" x 11")

Data Source(s): Road Centerline & Parcels from Columiana County Engineer

