

# ZONING RESOLUTION

# GREEN TOWNSHIP

**Mahoning County, Ohio**

**Approved as of MAY , 2019**

*NOTE:*

*Italicized text is provided for convenience in finding related provisions and is not part of the adopted Zoning*

*Resolution. Highlighted (yellow) references in color versions of this text are provided to assist in future amendments.*

## RESOLUTION

A Resolution of the Green Township, Mahoning County, Ohio, to regulate and restrict the location, construction, and use of buildings, and other structures, the uses of land in Green Township, and for said purpose of dividing the Township into districts.

Approved at General Election November 6, 1962

Amended October 7, 1969  
Amended September 16, 1977  
Amended October 17, 1979  
Amended December 16, 1988  
Amended January 24, 1994  
Amended February 12, 1998  
Amended September 11, 2001  
Amended April 22, 2003  
Amended November 28, 2006  
Amended June 10, 2008  
Amended April 23, 2013  
Amended November 17, 2017  
Amended May 28, 2019

Whereas, the Trustees of Green Township, Mahoning County, Ohio, deem it necessary for the promotion of public health, safety, comfort, morals, and general welfare for the residents of said Township to regulate the use, size, and location of buildings and other structures, the size and location of yards and other open spaces in relation to buildings, the use of land, and to establish districts to accomplish these purposes:

Now therefore, under the authority provided by the Ohio Revised Code, the following zoning regulations are adopted.



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**Article I:**  
**GENERAL PROVISIONS**

- 1.01 Title**
- 1.02 Purpose**
- 1.03 Authorization**
- 1.04 Separability**
- 1.05 Applicability**
- 1.06 Minimum Requirements**
- 1.07 Conflict**
- 1.08 Effective Date**
- 1.09 Amendments**

**1.01 TITLE**

This resolution shall be known and may be cited as the “Zoning Resolution of the Township of Green, Mahoning County, Ohio.” This Resolution may be referred to herein as “this Resolution” or as “these Regulations”.

**1.02 PURPOSE**

This Resolution is enacted for the general purpose of promoting the public health, safety, comfort, and welfare; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of utilities and services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Resolution, including the provision of penalties for its violation; and for any other purpose provided in this Resolution, the Ohio Revised Code, or under common law rulings.

**1.03 AUTHORIZATION**

This Resolution is enacted by the Trustees of Green Township as authorized by the Ohio Revised Code.

**1.04 SEPARABILITY**

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

**1.05 APPLICABILITY**

A. All structures and land within the Township shall hereafter be used or occupied in conformance with the provisions of this Resolution. Any building or structure or part thereof erected, moved, altered, restored, or reconstructed shall hereafter be used only in conformance with the provisions herein specified for the district in which it is located.

**Article I:  
General Provisions**

- B. Any building hereafter erected, used, occupied, altered, restored, or reconstructed shall comply with this Resolution in regard to the number of families accommodated, area of lot occupied, size of front, rear, and side yards. Any part of a yard or other open space required around any building for the purpose of complying with the provisions of this Resolution shall not be included as part of a yard or other open space similarly required for another building.
- C. District Changes. Whenever a boundary line of a district is changed by amendment of this Resolution to transfer an area from one district to another district, the regulations for the district to which the areas is transferred shall apply to all buildings, structures, and uses in the area transferred.

**1.06 MINIMUM REQUIREMENTS**

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort, and general welfare.

**1.07 CONFLICT**

- A. Whenever the provisions of this Resolution require a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other Resolution, regulations, private deed restriction, or private covenant, then the provisions of this Resolution shall govern.
- B. No provisions in this Resolution shall be interpreted as superseding any greater restrictions or regulation contained in any other Resolution or any deed or plot restrictions.

**1.08 EFFECTIVE DATE**

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

**1.09 AMENDMENTS**

The Board of Township Trustees may amend or supplement this Resolution, and the Official Zoning Map which is part of this Resolution, as provided by the Ohio Revised Code.

## Article II: ADMINISTRATION

- 2.01 Zoning Inspector
- 2.02 Zoning Permits
- 2.03 Zoning Fees
- 2.04 Violations and Penalties
- 2.05 Board of Zoning Appeals
- 2.06 Zoning Commission

### 2.01 ZONING INSPECTOR

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

### 2.02 ZONING PERMITS

- A. Zoning Permit Required.
  - 1. No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any use of land or structure be established or changed in use without a zoning permit therefore, issued by the Zoning Inspector.
  - 2. Exemptions. Except as otherwise provided in this Resolution, agricultural uses and structures are exempt from the requirement for a zoning permit. Maintenance and repair of existing structures are exempt from the requirement for a zoning

**Article II  
Administration**

- permit, provided they do not change the structure in area, height, setback or other characteristic regulated by this Resolution.
3. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives an order from the Board of Zoning Appeals that directs otherwise, based upon an appeal, conditional use, or variance as provided by this Resolution.
- B. Application. An application for a zoning permit shall be submitted prior to any construction or the establishment of any use for which a zoning permit is required by this Resolution, The application shall be signed by the property owner (and applicant if other than the owner) attesting to the truth and exactness of all information supplied with the application. At a minimum, the application shall contain the following information:
1. Name, address, and phone number of owner (and applicant, if other than the owner).
  2. Legal description of property.
  3. Existing use.
  4. Proposed use.
  5. Zoning District.
  6. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing structures on the lot, if any; the location and dimensions of the proposed structures or alteration; the locations of the proposed uses.
  7. Building heights.
  8. Number and location of off-street parking spaces or loading berths.
  9. Number of dwelling units.
  10. Such other information as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.
- C. Issuance. Within fifteen (15) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provision of this Resolution. If the application is denied, the Zoning Inspector shall indicate the reason for denial in writing on the application.
- D. Expiration. A Zoning Permit shall expire one (1) year from the date of issuance unless construction has been started. (Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings have been completed). Construction shall be completed within two (2) years after issuance of the permit or the permit shall expire.
- E. Revocation.
1. A zoning permit shall be revoked by the Zoning Inspector if:
    - a. It has been issued in error or has been issued based on materially false information or misrepresentation.
    - b. Construction or the use is not commenced within one year of permit issuance.
    - c. Construction is not completed within two years of issuance and a new certificate, renewal, or extension has not been obtained.

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- d. The work or use is not being conducted in accordance with the approved application and plans.
  - e. The owner or applicant has not complied with a corrective or abatement order from the Zoning Inspector for violation of this Resolution or failed to comply with conditions of this Resolution or the permit issued.
2. Written notice of revocation and the reasons therefore shall be signed and dated by the Zoning Inspector and sent to the applicant by certified mail (return receipt requested) and notice shall be posted in a conspicuous place on the property. The applicant shall be notified of the right to appeal within twenty (20) days after the revocation is issued. The notice of revocation shall contain a statement that all work and/or operation of the use shall cease pending determination of an appeal or approval of an extension or new certificate.
- F. No zoning permit shall be issued unless the individual or company requesting same owns or controls an existing parcel of ground or a newly approved sub-divided lot of sufficient size to comply with the requirements of this Resolution.

**2.03 ZONING FEES**

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

**2.04 VIOLATIONS AND PENALTIES**

- A. Violations.
  1. No building shall be located, erected, constructed reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this Resolution.
  2. No person shall commence work or establish a use requiring a zoning permit or approval without first obtaining such permit or approval, nor shall any person vary from the terms or conditions of a zoning permit issued or of other authorized approval, nor shall any person fail to comply with any corrective or abatement order issued by the Zoning Inspector.
- B. Penalties. Violations of the Provisions of this Resolution or failure to comply with any requirements, including violations of conditions and safeguards established in this Resolution, shall constitute a misdemeanor of the third degree. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined for such misdemeanor of the third degree as provided by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person, who commits, participates in, assists, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

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- C. In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used without a permit in violation of this Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, change, maintenance, or use.

## 2.05 BOARD OF ZONING APPEALS

### A. Board Created.

1. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees, each for a term of five (5) years and so arranged that the term of one (1) member expires each year. Each member shall be a resident of the Township.
2. The Trustees shall also appoint two (2) alternate members to the Commission, each for a term of one (1) year. The alternate members shall be residents of the Township. An alternate member shall take the place of an absent regular member of the Commission, and, when attending in behalf of an absent member, may vote on any matter on which the absent member is authorized to vote.
3. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing.
4. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member affected.

### B. Proceedings.

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

- C. Duties. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order requirement, decision or determination as ought to be made, and to that end shall have the



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powers of the Zoning Inspector from whom the appeal is taken. The majority vote of the members of the Board present at a meeting (and at which a quorum is present) shall be necessary to reverse the Zoning Inspector. For the purpose of this Resolution the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, and so that the spirit be observed and substantial justice done;
3. To grant conditional use permits as specified in this Resolution and such additional safeguards as will uphold the intent of this Resolution.

**2.06 ZONING COMMISSION**

- A. Zoning Commission Appointed; Rules.
  1. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of Green Township.
  2. The Trustees shall appoint two (2) alternate members to the Commission, each for a term of one (1) year. The alternate members shall be residents of the Township. An alternate member shall take the place of an absent regular member of the Commission, and, when attending in behalf of an absent member, may vote on any matter on which the absent member is authorized to vote.
  3. Of the five members, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; and one (1) until the first Monday of the fifth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause and after public hearing in accordance with the provisions of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.
  4. The Zoning Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman, and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board, which shall be held during the month of January each year.
  5. The Zoning Commission may make reasonable rules and regulations governing its procedure and the conduct of its business and each body may suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the body, or relieve unnecessary inconvenience or hardship.
- A. Powers of the Commission:
  1. Prepare the Zoning Resolution.

**Article II**  
**Administration**

2. Take action on amendments to the Official Zoning Map requests and make recommendation on same to the Board of Township Trustees.
3. Initiate advisable zone changes or changes in the text of the Zoning Resolution where same will promote the best interest of the public.
4. Such other powers as may be established by this Resolution.

# Article III: DISTRICTS & ZONING MAP

- 3.01 Purpose
- 3.02 Districts Established
- 3.03 Purpose of Districts
- 3.04 Official Zoning Map
- 3.05 Interpretation of District Boundaries

## 3.01 PURPOSE

The purpose of this Article is to establish Zoning Districts in order to realize the general purposes set forth in this Resolution and in the zoning provisions of the Ohio Revised Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

## 3.02 DISTRICTS ESTABLISHED

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

- A. A Agriculture District
- B. R-1 Residential District
- C. R-2 Residential District
- D. B Business District
- E. C Commercial District
- F. I Industrial District
- G. PD Planned Development District

## 3.03 PURPOSE OF DISTRICTS

- A. A Agriculture District. The purpose of the Agriculture District is to provide areas for continued agricultural activity in the Township, consistent with the community’s agricultural history and traditions, to encourage continuation of agricultural activities in those parts of the Township having characteristics most suitable for such uses, and also to permit transition to low density residential development.
- B. R-1 Residential District. The purpose of the R1 Residential District is to provide areas for low density residential development at densities no greater than 0.33 units per acre where public utilities are not available and no greater than .67 units per acre where public utilities are available.
- C. R-2 Residential District. The purpose of the R2 Residential District is to provide areas for low to moderate density residential development in areas where public utilities are available, including a variety of dwelling types, at densities no greater than .33 units per acre.
- D. Business District. The purpose of the B Business District is to provide areas for the establishment of businesses together with low to moderate density residential use.
- E. Commercial District. The purpose of the C Commercial District is to provide areas for the establishment of a variety of businesses which serve the needs of the community.

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**Article III**  
**Districts and Zoning Map**

- F. Industrial District. The purpose of the I Industrial District is to provide areas for the establishment of businesses engaged in industrial activities and activities having impacts similar in intensity to industrial activity consistent with the standards established in this Resolution.
- G. PD Planned Development District. The purpose of the PD Planned Development District is to encourage wise use of natural resources and topography, to promote the preservation of open space and natural areas, and to provide a variety of residential opportunities in the Township. This may be accomplished through use of land development techniques provided in Article VIII which allow flexibility in arranging lots and building sites.

**3.04 OFFICIAL ZONING MAP**

- A. The districts established in this Resolution, as shown on the Official Zoning Map, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Resolution and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. There shall be provided on the Official Zoning Map a legend, which shall list the name of each zoning district and indicate the symbol for that district.
- C. The Official Zoning Map shall be properly identified by the signatures of the Township Trustees, as attested by the Clerk. The Map shall be maintained by the Zoning Inspector and shall remain on file in the office of the Clerk.
- D. The description in any Resolution amending the boundaries of a District shall control whenever there is an apparent conflict between the district boundaries shown on the Zoning Map and the description in the Resolution.
- E. After the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect the change, and shall note the effective date of the change and appropriate reference to the resolution authorizing the change.

**3.05 INTERPRETATION OF DISTRICT BOUNDARIES**

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

- A. Where a district's boundary is shown to approximately follow a lot line, the lot line shall be construed to be the district boundary line.
- B. Where a district boundary is indicated as approximately parallel to the centerline or right-of-way line of a street or highway, the district boundary shall be construed as being parallel thereto and at a distance there from as indicated on the Official Zoning Map.
- C. If no distance is given, dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.

**Article III:  
Districts & Zoning Map**

- F. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended districts.
- G. Lots in two districts. Where a district boundary line divides a lot fronting on a public street, in ownership of record at the time such line is adopted, the regulations of the district wherein the front portion is located may extend not more than fifty (50) feet into the adjacent district wherein the rear portion is located.
- H. Except where otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, or otherwise documented in the resolution for amendment creating a zoning district, the depth of districts fronting on streets or highways is established, for the purposes of this Resolution, at three hundred (300) feet for residential districts and five hundred (500) feet for business B Business districts. The depth shall be measured perpendicular to the right-of-way line of the street or highway.
- I. Where the text of the resolution which established a district or the boundary of a district more clearly defines the intended location, area, or boundary of a district, the text of the resolution shall prevail over the district location, area, or boundary as illustrated on the Zoning Map.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

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## Article IV: USES

- 4.01 General Regulation of Uses
- 4.02 Permitted and Conditional Uses for Each District
  - Table 4.02 Permitted and Conditional Uses in Each District*
- 4.03 Accessory Uses and Structures
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  - D. Roadside Stand
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  - G. Dwellings

### 4.01 GENERAL REGULATION OF USES

- A. Permitted and Conditional Uses. The permitted uses and conditional uses which may be established in the districts shall be as provided in this Article. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used in a manner which does not comply with all of the district provisions established by these resolutions for the district in which the building or land is located.
- B. Accessory Uses. Accessory uses and structures shall be permitted in all districts as provided in **Section 4.03**.
- C. Prohibited Uses. Any use which is not specifically listed as a permitted use or as a conditional use for one or more of the districts, or which is not otherwise interpreted and approved as provided by this Resolution, shall be prohibited. A prohibited use shall not be established in any district except by amendment of this Resolution or pursuant to a use variance approved by the Board of Zoning Appeals.
- D. Pre-empted Uses. State and federal laws may require the Township to allow the establishment of a use which is not listed as a permitted or conditional use in a district. Where state or federal laws require that such a use be allowed, all provisions of this Resolution shall apply to the use to the extent that the application of these provisions is consistent with and not precluded by state or federal laws.
- E. Agriculture.
  - 1. General Agricultural Exemption. No provision of this Resolution (except as provided in **Subsection 4.01E2 below**) shall prohibit the use of land for agricultural purposes or for the construction or use of buildings or structures incidental to the use for agricultural purposes of the land upon which said

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buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture. No zoning permit fee shall be charged for such agricultural use, building or structure.

2. As authorized by the Ohio Revised Code, the following regulations shall apply to any platted subdivision approved under ORC sections 711.05, 711.09, or 711.10, and to any area consisting of fifteen (15) or more lots approved under ORC 711.131 that are contiguous to one another (or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road):
  - a. On any lot having an area less than one (1) acre, agriculture shall be prohibited, provided that non-commercial agricultural activities may be conducted in the rear yard of such lot for the sole purpose of producing goods or maintaining animals for use by the residents of the dwelling located on the lot. All structures used for agricultural activities shall comply with the setbacks established for the district. No agricultural activity shall be conducted in a manner which results in a nuisance or hazard.
  - b. On lots greater than one (1) acre but not greater than five (5) acres, all buildings or structures incident to the use of land for agricultural purposes shall comply with the district regulations for setback lines and height.  
*See also Section 4.03F regarding animals.*

Except as otherwise provided herein, only one (1) dwelling shall be permitted on a lot.



**4.02 PERMITTED AND CONDITIONAL USES IN EACH DISTRICT**

Permitted uses and conditional uses in the districts of Green Township shall be as provided in Table 4.02:

<b>Table 4.02 Permitted Uses and Conditional Uses for Each District</b>							
USES NP=Not Permitted RH=Requires Conditional Use or Variance Hearing	P=Permitted	District					
		A	R1	R2	B	C	I
Agriculture <i>(See Section 401E)</i>		P	P	P	P	P	P
Roadside stands. <i>(See Section 4.06D)</i>		P	RH	RH	NP	P	P
Single family dwelling		P	P	P	P	RH	RH
Two family dwelling		NP	NP	P	NP	NP	NP
Three family dwelling		NP	NP	P	NP	NP	NP
Special Residential Facility		P	P	P	P	P	P
Homes for the elderly		RH	RH	RH	RH	RH	RH
Church		RH	RH	RH	RH	RH	RH
Public School, Private School		RH	RH	RH	RH	RH	RH
Miscellaneous Educational Use		RH	RH	RH	RH	RH	RH
Child Day Care, Type B		RH	NP	RH	RH	RH	RH
Child Day Care, Type A		RH	NP	RH	RH	RH	RH
Child Day Care Center		RH	NP	RH	RH	RH	RH
Public facility		RH	RH	RH	RH	RH	RH
Institution		RH	RH	RH	RH	RH	RH
Cemetery <i>(See Section 907)</i>		RH	RH	RH	RH	RH	RH
Recreation Facility, Type A <i>(See Section 907)</i>		RH	NP	RH	RH	RH	RH
Recreation Facility, Type B <i>(See Section 907)</i>		RH	NP	RH	RH	RH	RH
Recreation Facility, Type C <i>(See Section 907)</i>		RH	NP	RH	RH	RH	RH
Campground		RH	NP	NP	NP	RH	RH
Signs <i>(See Article VI)</i>		P	P	P	P	P	P
Surface and In-Stream Mining, Coal Mining Operations <i>(See Section 4.06B)</i>		P	NP	NP	NP	RH	RH
Gas and oil wells, drilling and brine disposal <i>(See Section 4.06C)</i>		P	NP	NP	NP	P	P
Commercial timber cutting/logging <i>(See Section 4.06E)</i>		P	P	P	P	P	P
Topsoil removal <i>(See Section 9.07)</i>		RH	RH	RH	RH	RH	RH
Landfills		NP	NP	NP	NP	NP	RH
Radio stations and associated towers, Telecommunication facilities <i>(See Section 9.07)</i>		RH	RH	RH	RH	RH	RH
Private parking lot. <i>(See Section 9.07)</i>		RH	RH	RH	RH	RH	RH
Aircraft landing field, Airport... <i>(See Section 9.07)</i>		RH	NP	NP	NP	RH	RH
Auto Wash		NP	NP	NP	NP	RH	RH
Fuel Station		NP	NP	NP	NP	RH	RH
Bed and Breakfast Inn		RH	RH	RH	RH	RH	NP
Hotel, Motel		NP	NP	NP	RH	RH	NP

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<b>Table 4.02 Permitted Uses and Conditional Uses for Each District</b>							
<b>USES NP=Not Permitted RH=Requires Conditional Use or Variance Hearing</b>	<b>P=Permitted</b>	<b>District</b>					
		<b>A</b>	<b>R1</b>	<b>R2</b>	<b>B</b>	<b>C</b>	<b>I</b>
Commercial Kennels/boarding kennels		RH	NP	NP	RH	RH	RH
Medical Facility		RH	NP	NP	RH	P	NP
Office		RH	NP	NP	P	P	P
Personal Services		P	RH	RH	P	P	P
Restaurant		RH	NP	NP	P	P	P
Retail Business		RH	NP	NP	RH	P	P
Vehicle Repair		RH	NP	NP	RH	RH	P
Vehicle Sales, Rental or Leasing		RH	NP	NP	RH	P	P
Commercial vehicle/trailer storage <i>(See also Section 7.08)</i>		RH	NP	NP	RH	P	P
Veterinarian, Animal hospital		P	NP	NP	RH	P	P
Funeral home		NP	NP	NP	RH	RH	NP
Sexually oriented business <i>(See Section 4.06A)</i>		NP	NP	NP	NP	NP	P
Manufacturing		NP	NP	NP	NP	NP	P
Warehouse		NP	NP	NP	NP	NP	P
Wholesale business		RH	NP	NP	RH	RH	RH
Terminal facilities for motor freight transportation		RH	NP	NP	NP	RH	RH
Research and testing		RH	NP	NP	NP	RH	RH
Printing and publishing		RH	NP	NP	RH	RH	RH
Similar use. <i>(See Section 9.07)</i>		RH	RH	RH	RH	RH	RH
<p>Special Conditional Use Requirements: The following special uses or structures, when proposed as part of a permitted or conditional use listed in this Table, shall only be established subject to a conditional use permit:</p> <ul style="list-style-type: none"> <li>Drive-thru facility</li> <li>Outdoor sales or display</li> <li>Outdoor storage</li> <li>Outdoor assembly, servicing, repair, testing, or similar activities outside of a completely enclosed building</li> </ul>							
<i>For descriptions of specific uses, see Article XII. Definitions</i>							

**4.03 ACCESSORY USES AND STRUCTURES**

- A. General.
  - 1. Accessory uses and structures shall be permitted in any district.
  - 2. An accessory use or structure shall only be established on a lot having a principal use or structure and shall not be constructed or established prior to the principal use or structure.
  - 3. Accessory uses and structures shall:
    - a. Be clearly subordinate to the principal use and structure.
    - b. Directly serve the principal use and structure.
    - c. Be subordinate in area, extent and purpose to the principal use and structure.
    - d. Be located on the same lot as the principal use and structure.

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- e. Be reasonably and customarily accessory to the principal use and structure.
  - f. On (5) acres or less, all buildings must be of convention construction. Shipping containers, box van truck bodies, commercial trailers or any other type of container not specifically designed to be a storage build and was not intended for use on the roads, highways or streets, whether public or private are strictly prohibited.
4. In all districts, an accessory building (including garages and other outbuildings) shall be located as follows:
- a. Only in the side or rear yard.
  - b. No nearer to a side street line than a distance equal to half the width of the lot or fifty (50) feet, whichever distance is less.
  - c. At least fifteen (15) feet from the principal building.
  - d. At least six (6) feet from the rear lot line
  - e. At least six (6) feet from the side lot line
  - f. On a corner lot, shall conform to the required setbacks for the principal building on both frontages.
  - g. Only one (1) **accessory building** shall be permitted on any lot, three acres (3) or less, with a dwelling in all districts, and is limited to a maximum of 864 square feet. No living quarters (dwelling unit) shall be placed in any portion of a detached garage in any district.
  - h. Notwithstanding the foregoing provisions, a common or joint garage may be constructed on lots adjoining at the side lines of the lots on which it is located.
5. In business, commercial, and industrial districts, accessory structures shall comply with the setbacks required for principal structures except as otherwise provided in this Resolution.
6. Height of Accessory Buildings. The height of an accessory building shall not exceed the maximum height provided in **Table 5.04** for the district in which it is located.
- B. Fences.
- After obtaining a zoning permit (agricultural purpose fences are exempt), fences may be permitted as accessory structures in all districts as follows:
1. All Fences:
    - a. The finished surface shall in all cases be outside with all posts, braces, etc., on the inside. It shall be the responsibility of the property owner erecting the fence to provide for maintenance of the outside surface.
    - b. A fence may be constructed abutting a property line.
    - c. All matters of dispute shall be civil matters between the parties.
  2. Fences in Front Yards:
    - a. In any district, the height of a fence located in a front yard shall not exceed. Four feet (4)
    - b. In any Business or Commercial District, no fence shall be permitted between the front building line and front property line.
  3. Fences in Side and Rear Yards:

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- a. In an Agricultural, Residential, or Business District, the height of a fence located in a side or rear yard shall not exceed six (6) feet.
  - b. The height of a fence located in a side or rear yard shall not exceed six (6) feet in any Commercial or Industrial District, except that, on a lot line where the District does not abut a Residential District, an additional one (1) foot of barbed wire may be added to the six (6) foot height requirement.
- C. Swimming Pools.
  1. Private swimming pools shall be subject to the following regulations:
    - a. All in-ground pools shall be entirely enclosed with a safety fence no less than four (4) feet nor more than six (6) feet in height. The fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool. Doors and gates in the fence shall be self-closing and self-locking devices or any other type of latch or lock device that a young child cannot open from outside the fence.
    - b. Above-ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions including, but not limited to, removing all ladders and other forms of access to pools when the pools are not in use. Above-ground pools that are surrounded in whole or part by decks or other above-ground structures shall have access gates that are equipped with locks or other such devices that a young child cannot open from outside the gate and which serve adequately to protect children from entry to the pool.
  2. Community or club swimming pools shall comply with the following regulations:
    - a. The pool and the area used by bathers shall be no closer than fifty (50) feet to any property line.
    - b. The pool and the area used by bathers shall be walled or fenced to prevent uncontrolled access by children. The fence or wall shall be no less than five (5) feet in height and maintained in good condition.
- D. Home occupation.

Home occupation, as an accessory use, shall be permitted in Agriculture and Residential Districts under the following conditions and requirements:

  1. The accessory use shall be such as the office or studio of a physician, surgeon, dentist, musician, lawyer, architect, teacher, real estate agent, insurance agent, hairdresser, or seamstress;
  2. The use shall be conducted solely by a person residing on the premises;
  3. Shall be a personal service with no sale of merchandise and there shall be no change in the appearance of the structure and or property which would alter or detract from the residential atmosphere of the neighborhood.
  4. Shall be conducted wholly within the dwelling and shall not occupy a floor area greater than one-half of the area of the livable floor area on the first floor of the dwelling;
  5. There shall be no commercial display visible from the street except a sign as provided in **Article VI**;
  6. Off street parking shall be provided for all vehicles.

7. In a Residential District, if the home occupation involves teaching or instruction, it is restricted to private instruction.
- E. Animals.
1. The keeping of exotic animals which are or may be a danger to the health and welfare of the citizenry are strictly prohibited
  2. Animal husbandry may not be maintained on any platted lot 3 acres or less in the R1, R2, Business, Commercial or Industrial Districts other than domesticated household pets. Agricultural use shall not include the feeding and sheltering of animals, exclusive of domesticated household pets, within 100 feet of an adjacent residential dwelling.

#### 4.04 TEMPORARY USES AND STRUCTURES

- A. Temporary Zoning Permit. The Board of Zoning Appeals may authorize the Zoning Inspector to issue a temporary zoning permit for a period not to exceed one (1) year for nonconforming uses incidental to housing and construction projects and including, but not limited to, such structures and uses as storage of building supplies, machinery or real estate office located on the tract being offered for sale provided such zoning permit issued only upon agreement by the owner to remove the structure or structures upon the final expiration of the permit, and discontinue the use or uses. Such permit may be renewed by the Zoning Inspector annually for a period not longer than one (1) year after the initial one year authorization. The Board may establish any additional conditions it deems necessary to ensure compliance with the purpose, intent, and provisions of this Resolution.
- B. Temporary Buildings. Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted in any district during the period construction work is in progress but such temporary facilities shall be removed upon completion of the construction work.
- C. Garage/Yard/Barn/Moving Sales. Residents/land owners are permitted to conduct one (1) sale per year per property with a four (4) day maximum contiguous period of time, i.e., Wednesday thru Saturday. Sales must be conducted between the hours of 8:00 A.M. and 8:00 P.M. only. Permits are not required
- D. Camping. No camping shall be permitted in any district of the Township except non-fee, non-facility camping for a period of not more than four (4) days per year and except in a Campground as approved under a conditional use permit.
- E. Mobile Home Temporary Permit. A temporary occupancy permit may be issued for a maximum period of six (6) months by the Zoning Inspector to allow the occupancy of a mobile home on property where the dwelling has been damaged by fire or similar disaster and is being repaired for occupancy. The Zoning Inspector may renew the permit one (1) time for an additional six (6) months.

#### 4.05 PERFORMANCE STANDARDS AND PROHIBITIONS

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The following structures and uses, and characteristics of structures and uses, are prohibited in all districts of the Township except as specifically provided:

- A. House trailers and mobile homes:
- B. Any process of assembly, manufacture or treatment constituting nuisance by reason of smoke, odor, dust, or noise and including but limited to such things as: the manufacturing or refining of asphalt; blast furnaces; the manufacturing or processing of cork, fertilizer, linoleum or oilcloth and glue and gelatin; the tanning of hides and skins; abattoirs and slaughter houses (except for poultry); and the manufacturing of paint, oil or varnish.
- C. In the Commercial District, slaughtering poultry or animals, rendering lards and other fats and meat smoking, whether or not the same is incidental to a retail business.
- D. Any process of assembly, manufacture or treatment constituting a hazardous use including, but not limited to, such things as the manufacture, bulk storage or sale of fireworks and explosives; and the manufacture of illuminating gas and other explosive or poisonous gases, except as may be incidental to a permitted industrial process.
- E. The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks, except in the Industrial District in accordance with State Regulations in respect thereto, and provided further that all above-ground tanks having a capacity of ten thousand (10,000) gallons or more shall be properly diked with dikes having a capacity equal to one and one-half (1 ½) times the capacity of the tank or tanks surrounded.
- F. Junk yards, automobile graveyards or disassembly plants, and the storage of second-hand materials (recyclable materials) for resale, except in the Industrial District where the same are housed entirely within a building.
- G. The bailing or treatment of junk, iron, rags, bottles, or scrap paper, except in the Industrial District within a building.
- H. Any process, manufacture or treatment constituting a nuisance by reason of the creation of liquid wastes or objectionable or polluting nature. Objectionable or polluting wastes shall be defined as those wastes which adversely affect the bacteriological, chemical or physical quality or portability of the water in such a manner as to make unfit or undesirable for human consumption after conventional treatment procedures of clarification and filtration; or wastes which create any hazard, nuisance or detriment to the downstream residents and property owners on any lake, stream or river.
- I. The disposal, storage, shredding or processing of tires for commercial purposes.
- J. Commercial incineration, treatment, or remediation of any material, including but not limited to the burning or heating of soil or aggregated contaminated with petroleum products or any other pollutant or industrial waste.
- K. No property shall be used for the commercial composting of yard waste, leaves or any other like organic material, unless done pursuant to a contract with Green Township providing for disposal of such products generated specifically in Green Township.
- L. The manufacture, sale, assembly and/or storage of fireworks, or firecrackers of any class, size, or denomination whatsoever.
- M. Except in the Industrial District, repair or machine shops, not including public garages, employing more than five (5) persons.

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- N. Except in the Industrial District, laundries or dyeing and cleaning works with capacity for more than ten (10) employees engaged in these processes.
- O. Except in the Industrial District, commercial warehouses, lumber and coal yards and building material storage yards.
- P. Except in the Industrial District, bottling and brewing or distilling alcoholic beverages
- Q. Hazardous Waste. No manufacturing, assembling, dumping, storage, incineration, or treatment of any hazardous, toxic, infectious waste or any nuclear product or the processing of any materials which are volatile, corrosive, reactive, or hazardous to the environment or a public health nuisance shall be permitted in the Township.
- R. Nuisance Prohibited. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements prescribed, is or may become hazardous or unreasonably noxious or offensive to the public welfare.
- S. No abandoned, wrecked, unlicensed, unused or dismantled automobiles, trucks, trailers, farm equipment or aircraft shall be permitted to be parked, on the premises in any district. Tarps are not considered an acceptable cover. No disabled motor vehicle shall be left on private property, in the open, outside of a completely enclosed building, for more than thirty (30) days. A motor vehicle shall be deemed disabled: if it is in a state of disrepair and incapable of being moved under its own power; or if it is incapable of being lawfully operated on the streets of the state; or if a current registration tag, also known as a license plate, of a kind required under state law as a condition of operation upon the public streets is not affixed thereto; or if one or more parts which are required for the operation of the vehicle are missing, were dismantled, are inoperative, or are not attached to the vehicle as designed.
- T. Space in a private garage located in an A, R1, or R2 District may be used for not more than one commercial vehicle per dwelling providing it requires no more space than is required for an ordinary passenger vehicle. Space for more than one commercial vehicle or trailer in an agriculture district is a conditionally permitted use. *See Table 4.02.*
- U. No trash, garbage, refuse or junk which could be potentially present a public health, safety or nuisance concern, shall be permitted to be exposed on the premise in any district. No furniture or other miscellaneous items or material shall remain exposed on porches, yards or anywhere on the premises in any district. Tarps are not considered an acceptable cover.

**4.06 STANDARDS FOR SPECIFIED USES**

- A. Sexually Oriented Business.
  - 1 General. It is the purpose of this section, (Article 4.06A), to regulate sexually oriented businesses, in accordance with the current Green Township Resolution

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“Regulating Sexually Oriented Businesses and Employees” and the Ohio Revised Code, Sections 503.51-503.52. It is also the intent of this section to promote the health, safety, morals and general welfare of the citizens of Green Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the first amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing evidence that sexually oriented businesses, as referenced in the current Green Township “Regulations Governing Sexually Oriented Businesses and Employees,” because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the down-grading of property values.

- 2 The Board of Trustees desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.
3. Definitions. As used in this Resolution, “adult arcade,” adult bookstore,” “adult novelty store,” “adult video store,” adult entertainment establishment,” “adult motion picture theater,” “adult theater,” “distinguished or characterized by their emphasis upon,” “nude or seminude model studio,” “nudity,” “nude,” “state of nudity,” “regularly features,” “regularly shown,” “seminude,” “state of semi-nudity,” “sexual encounter establishment,” “specified anatomical areas,” and “specified sexual activity” have the same meanings as in section 2907.39 of the Revised Code. To facilitate reading the following definitions are incorporated into this article. Additional definitions are contained in Appendix A of this Zoning Resolution and also in the Green Township Resolution Regulating Sexually Oriented Businesses.
  - a. **“ADULT BOOKSTORE” or “ADULT VIDEO STORE”** means a commercial establishment that has a significant or substantial portion of its stock or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
  - b. **“ADULT ARCADE”** means any place to which the public is permitted or invited where either or both (1) motion picture machines, projectors, video or laser disc players, or (2) other video or image-producing devices are available, run via coin, token, or any form of consideration, to show



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- images to five or fewer persons at one time; and where the images shown and or live entertainment presented are characterized by the depiction or description of “sexual activities” or “specified anatomical areas.”
- c. **“ADULT CABARET”** means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, that regularly features individuals who appear in a state of nudity or semi-nudity.
- d. **“ADULT MOTION PICTURE THEATER”** means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.
- e. **“ADULT THEATER”** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- f. **“COVERING”** means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- g. **“ESTABLISHMENT”** means and includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually Oriented Business;
  - (3) The additions of any sexually oriented business to any other existing sexually oriented business;
  - (4) The relocation of any sexually oriented business.
- h. **“NUDE MODEL STUDIO”** means any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude Model Studio shall not include:
- (1) A proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation.
  - (2) A private college or university that offers educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
  - (3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any time.

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- i. **“NUDITY,”** “nude,” or “state of nudity” has the same meaning as in section 2907.39 of the Ohio Revised Code.
- j. **“PATRON”** means any individual on the premises of a sexually oriented business except an operator or an employee of the sexually oriented business; an individual who is on the premises exclusively for repair or maintenance of the premises or the delivery of goods to the premises; a public employee or a volunteer firefighter or emergency medical service worker acting within the scope of the public employee’s or volunteer’s duties as a public employee or volunteer.
- k. **“PERSON”** means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- l. **“PREMISES”** means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.
- m. **“PRINCIPAL BUSINESS PURPOSE”** means forty percent (40%) or more of the stock in trade of the business offered for sale or rental for consideration measured as a percentage of either the total linear feet of merchandise for sale or rental for consideration on display or the gross receipts of merchandise for sale or rental for consideration, whichever is the greater.
- n. **“SEMINUDE”** or **“STATE OF SEMINUDITY”** has the same meaning as in section 2907.39 of the Ohio Revised Code.
- o. **“SEXUAL DEVICE”** means any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breast or for sadomasochistic use or abuse of oneself or others, including but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- p. **“SEXUAL DEVICE SHOP”** means a commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.
- q. **“SEXUAL ENCOUNTER CENTER”** means a business enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or seminude.

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- r. **“SEXUALLY ORIENTED BUSINESS”** means an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.
  - s. **“SPECIFIED ANATOMICAL AREAS”** includes human genitals, pubic region, and buttocks and the human female breast below a point immediately above the top of the areola.
  - t. **“SPECIFIED SEXUAL ACTIVITY”** means sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.
  - u. **“SUBSTANTIAL ENLARGEMENT” OF A Sexually Oriented Business** means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes place.
4. Sexually oriented businesses are classified as follows:
- a. Adult arcade;
  - b. Adult bookstores, adult novelty stores or adult video stores;
  - c. Adult cabarets;
  - d. Adult motion picture theater;
  - e. Adult theaters;
  - f. Nude model studios; and
  - g. Sexual encounter centers
5. A sexually oriented business may be located only in an industrial district.
6. Location of Sexually Oriented Businesses. No sexually oriented business may be established within 1000 feet of:
- a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - b. A public or private education facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, secondary schools, continuation schools, special education schools, junior colleges, and continuation schools, special education schools, junior colleges, and universities; schools includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally a school;
  - c. A boundary of a residential district as defined in the Zoning Resolution;
  - d. A public park or recreation area which has been designated for park or recreation activities including but not limited to a park, playground, nature trails, swimming pools, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of either the Township or which is operated by another public entity; or
  - e. An entertainment business that is oriented primarily towards children or family entertainment.
7. No sexually oriented business may be established within 1000 feet of the property line of a lot devoted to a residential use as defined in the Zoning Resolution.

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8. No sexually oriented business may be established within 500 feet of another sexually oriented business as defined in the Zoning Resolution.
  9. Not more than one sexually oriented business shall be established or operated in the same business, structure, or portion thereof, and the floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business may not be increased.
  10. For the purpose of Sections 4.06A6 and 4.06A7 above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is operated, to the nearest property line of the premises of a use listed in Sections 4.06A6 and 4.06A7 above.
  11. For the purposes of Sections 4.06A8 above, the distance between two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which business is located.
  12. Regulations concerning lot, yard, height, parking, building and site design standards and parking are as follows:
    - a. Lot, yard area, height, buffering, drainage and building code provisions for a sexually oriented business are those specified in Article V of the Zoning Resolution.
    - b. Parking requirements for a sexually oriented business are those specified for “Dining room restaurants, taverns, night clubs” and similar uses as specified in Article VII of the Zoning Resolution.
  13. Regulations concerning signage are as specified in Article VI of the Zoning Resolution and as specified in the following:
    - a. All signs shall be “wall signs” and defined as any sign affixed to any wall of a building.
    - b. Review and approval procedures for a sign permit for a sexually oriented business shall be in accordance with Article VI of the Zoning Resolution.
    - c. No merchandise or picture of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or any street or road.
    - d. Window areas shall not be covered or made opaque in any way. No sign shall be placed in any window. A one-square foot sign may be placed on the door to state hours of operation and admittance to adults only.
- B. Surface and In-Stream Mining; Coal Mining Operations. Surface and in-stream mining, including coal mining operations, shall be permitted in compliance with the following provisions by the individual, firm, partnership or corporation which will conduct the mining operations:
1. Zoning Permit Required. Apply for and obtain a zoning permit. The zoning permit shall be issued after submittal of the bond and affidavit required by this section and a fee as established by the Green Township Trustees.
  2. Bond Required. File with the Township Clerk a bond on a form to be prescribed and furnished by the Clerk, payable to Green Township, and conditioned upon the faithful performance of all requirements of this **Section 4.06B**. The bond shall be

in the amount of \$10,000. The liability under such bond shall be for the entire term that said individual, firm, partnership, or corporation continues to conduct mining operations in the location subject to the zoning permit. The bond shall be signed by the operator as principal and by a surety company authorized to transact business in Ohio as surety, and will be released only upon the written order of the Township Clerk and the Zoning Inspector following compliance with all provisions of this **Section 4.06B**.

3. Affidavit Required. Furnish to the Township Zoning Inspector an affidavit, sworn by the individual or corporate officers (in the case of corporations), certifying under oath:
  - a. That the individual, firm, partnership or corporation is licensed to operate under the laws of the State of Ohio and has complied and will comply, with all the statutes of the State of Ohio and all the regulations of the Division of Reclamation, Department of Agriculture of the State of Ohio, then in effect or later adopted pertaining to the surface or in-stream mining operations, including coal mining operations.
  - b. That within one year after the completion of an operation involving the surface or in-stream mining operations, including coal mining operations, all land excavated except the final cut on each property involved will be restored to a grade of not more than twenty percent (20%) or to the grade of the original contour if greater than twenty percent (20%), and the slope of the highway and the spoil bank of the final cut on each property involved will not be more than fifty percent (50%). Provided that upon written application therefore, the Zoning Inspector may permit an extension of the time requirement if reasons exist beyond the control of the operator for such extension of time.
  - c. That all land excavated will be adequately graded to provide for the run off of surface water without undue impact on abutting properties.
  - d. That no excavation shall occur any closer to a public road or highway right-of-way or to an adjacent property line than twice the depth in feet of the final cut or excavation adjoining such public road or highway right-of-way or property lines. The final cut shall make an angle of not less than seventy (70) degrees with the public road or highway right-of-way.
  - e. That all areas excavated shall be re-seeded or reforested at the discretion of the landowner, but in accordance with a plan approved by the Chief of the Division of Reclamation, State of Ohio.
  - f. That, upon completion of the operation, the area shall, in all cases be cleared of buildings, machinery and appertaining equipment. This includes the removal of tipples and the filling of scale beds.
4. Plan Required. Furnish to the Zoning Inspector a plan for the reclamation of the area affected by the mining operations which indicates the intended future uses of the affected area in compliance with the provisions of this Zoning Resolution and which demonstrates the feasibility of establishing such future uses on the reclaimed land.

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5. Upon satisfactory proof of the violation of any of the assertions of the certifying affidavit as required under subdivision paragraph c hereof, the Zoning Inspector shall revoke the zoning permit of the violating operator and cause the bond to be forfeited.
- C. Gas and Oil Wells. Gas and oil wells, drilling and brine disposal. It is the intent of this section to provide for the regulation of drilling and operation of wells for oil, gas or other hydrocarbon in gaseous or liquid form (or brine disposal) and to protect the public's health, safety, and welfare from such drilling and operations. The term "well" in the remainder of this section shall mean a well for oil, gas or other hydrocarbon in gaseous or liquid form or a well used for brine injection or disposal. Exploration for, drilling of, and production of oil or gas wells may be conducted in the A Agricultural, B Business, C Commercial, or I Industrial District subject to the following regulations:
1. The owner of the well must hold a valid permit for the well from the Division of Oil and Gas, State of Ohio, Department of Natural Resources.
  2. A zoning permit is not required, but the state permit holder shall submit a completed application for registration of the well to the Green Township Zoning Inspector.
  3. A copy of all brine disposal site plans must be filed with the Green Township Zoning Inspector.
  4. All portions of storage tanks, separators, wellheads or other apparatus shall be at least seventy-five (75) feet from any public street right-of-way line and shall be completely enclosed within a six (6) foot high chain link fence. This fence shall be at least five (5) feet from any item within said fence. Any fence containing an area larger than three hundred (300) square feet shall have two (2) gates remote from each other. These gates shall provide for a clear opening of at least nine (9) feet. All gates shall be locked and keyed the same with two (2) keys given to the local Fire Department. All fences and gates must be kept in good repair from the commencement of operations until the abandonment and removal of all equipment and apparatus.
  5. Well drilling and permanent access roads shall be at least twelve (12) feet wide and hard surfaced to prevent mud and debris from being tracked to adjoining highways. This access road shall be constructed, and a metal gate erected at the street, with both approved by the Township Zoning Inspector before any activity takes place at the well site. The gate shall be at least twelve (12) feet wide with the gateposts set in concrete. The gate shall be located so as to prevent unauthorized use of the access road. This gate shall be keyed the same as any fence gate required in (d) above.
  6. Before any activity takes place at the well site, a metal sign with the name of the company, the street address, and twenty-four (24) hour emergency phone number must be posted within view of the street. This sign must comply with the sign regulations found elsewhere in this resolution and must be maintained in good condition as long as activity is taking place at the site.
  7. All township roads proposed to be used for ingress or egress to the wells shall be inspected jointly by the Green Township Road Superintendent and the drilling company. After the inspection, a bond shall be posted as established by the Green

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- Township Trustees for Green Township roads traveled by drilling equipment to reach drilling site.
8. There shall be no above ground equipment of any kind or any storage tanks or basins closer than fifty (50) feet to any property line, closer than two hundred (200) feet to any residence structure or closer than five hundred (500) to any potable water well. The drilling company shall locate all potable water wellheads on the plot plan submitted to the Zoning Inspector. With the owner's permission, the drilling company shall arrange and pay for a test of the water from these wells before any activity takes place at the proposed site. Copies of these water tests shall be given to the owners and to the Zoning Inspector. These test reports may be discarded two (2) years after a well within the five hundred (500) feet is capped.
  9. The application for any well shall indicate if the proposed well is within two thousand (2000) feet of any still or moving body of water. For such wells a contingency plan must be outlined to contain and/or clean up any such spills.
  10. All drilling noise and operation shall be governed by the following:
    - a. Noise from any operation shall not exceed 85 Db, measured at a distance of two hundred (200) feet from the source of the noise.
    - b. Until the casing is concreted in place, and on any Saturday, Sunday or legal holiday, drilling is limited to the hours of 6:00 AM till 6:00 PM, otherwise drilling is permitted 24 hours a day.
    - c. Fracturing of wells shall be permitted only from 6:00 AM to 6:00 PM.
  11. Prior to well drilling, pit liners shall be installed. These liners shall be two (2) layers of five (5) mil thick impervious material. These pits shall not be filled to more than two-thirds (2/3) of their capacity before the fluids are removed. Also prior to well drilling, a remote control blowout preventer shall be installed on the surface casing. This preventer shall be sized to control pressure from the deepest expected pool.
  12. A dike shall surround any part of the operation containing liquids. This dike shall enclose a volume equal to one and one-half (1 ½) times any stored material within the dike. This dike must be approved by the Zoning Inspector and The Green Township Fire Chief before any production begins.
  13. Before commencement of production, notice of such commencement shall be given to the Zoning Inspector and all apparatus not needed for this production shall be removed from the site.
  14. After the drilling and fracturing stages are completed, the site shall be graded and landscaped to closely resemble the surrounding area and the pre-existing condition of the site. This grading and landscaping shall be completed within one hundred eighty (180) days after the drilling and fracturing has been completed.

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15. Within one hundred eighty (180) days after a well has ceased producing commercially, all above ground apparatus shall be removed from the site and the site graded and landscaped as in “n” above.
16. In the event that an operator decides to shut-in a well, the Zoning Inspector shall be notified of the approximate date of when the well will again be productive.
17. The operator shall maintain the appearance of all equipment and keep all fences in good repair. Failure to do so shall constitute a violation of these resolutions.

D. Roadside Stand

As provided in the Ohio Revised code, the use of any land for a farm market shall be permitted in any district zoned for agricultural, industrial, residential, or commercial uses where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned and operated by the market operator in a normal crop year. The roadside stand operator shall provide sufficient parking so customers are not required to park on road right-of-way (*See Table 7.02*) and there shall be provisions for customer turn around space.

E. Commercial Timber Cutting/Logging

Commercial timber cutting/logging, within said Township together with those activities necessary and incidental to said timber cutting and logging. The property owner and/or the contractor(s) who might be involved in such logging and timber cutting operations shall post a bond as established by the Green Township Trustees for Township roads used by trucks, log hauling equipment or any other kind of equipment relevant to log cutting. Prior to establishing a driveway into the timber or log cutting site, the property owner shall contact the Township road supervisor to establish the location and type of casing necessary for said driveways, said casing to be a minimum of fifteen (15) inches or larger in diameter to carry all the water coursing through the ditch, and said casing to be installed in the ditch by the Township road department and covered by the property owner. All wheeled equipment is to be free of mud and/or debris prior to entering the road, street, of highway so that no deposit of mud and/or debris is left on the road, street, of highway. No loading or unloading of logs or timber shall be made from the road right-of-way and no blocking of the street, road or highway is permitted at any time. No debris of any kind including sawdust or branches is to be left within the township street or road right-of-way.

F. Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless.

1. The yard dimensions meet the yard requirements as required by the zoning regulations for the new structures in that district.
2. The lot area per dwelling unit equals the lot area requirements for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than which is required for new construction in that district.

G. Street Venders

Street Venders, (Individuals that sell retail merchandise, produce, etc., from any property location that they do not own) must obtain a zoning permit for a fee as established by the



Green Township Trustees (three continuous days maximum). The following provisions apply:

1. The display/set up arrangement for street vender equipment and merchandise must be set back from the road a minimum of thirty (30) feet and have a clearance so as not to constitute a traffic hazard.
2. Adequate parking for a minimum of five vehicles at one time is mandatory.
3. Hours of operation are from sunrise to sunset only.
4. The owner/operator must provide a detailed site plan to include parking provisions at the time of application for a zoning permit, written permission and notarized signature of the land owner, and a copy of his/her vendors license.
5. The Zoning Inspector shall be authorized to refuse to issue a permit for any street-vending (zoning) permit, which in his opinion constitutes a hazard to traffic.
6. Shall be permitted only in a C Commercial, B Business, or I Industrial District.

#### H. Dwellings

All dwellings shall comply with the following standards:

1. An enclosed garage, attached to or detached from the dwelling, shall be constructed on the same lot as the dwelling and reserved for use of the occupants of the dwelling for vehicle storage. The garage shall contain a minimum of four hundred (400) square feet of floor area.
2. A full masonry foundation, minimum eight-inches (8") thick, shall be constructed under all parts of the perimeter walls of the dwelling. Attached to a permanent foundation.
3. Connected to approved water and sewer facilities..
4. A length of at least twenty two (22) and a width of at least twenty two (22).
5. At least one thousand two hundred square feet of living area, excluding garages, porches, or attachments.
6. Conventional residential sheathing such as wood, vinyl, or metal lap siding; shingles; brick or stone.
7. A minimum 6-inch eave overhang.
8. A minimum 3:12 roof pitch.
9. Traditional site built dwellings shall comply with all applicable local and state building codes.
10. Manufactured homes shall comply with the "Manufactured Housing Construction and Safety Standards Act of 1974", also known as "the HUD Code".

#### I. Trash Containment

"In all new or redeveloped business, commercial and industrial districts, and for all multiple dwelling units, trash dumpsters, whether permanent or portable, shall be placed in a trash containment area enclosure consisting of three (3) walls no less than (6) feet in height or less than two (2) feet above the height of the containment, shall be compatible with the design and color of the principle building, and shall be kept free of advertising. All garbage containment devices, including but not limited to dumpsters, garbage or trash containers, recycling bins, compactors, oil receptacles, and grease traps, shall be located within such trash containment area enclosure. This enclosure shall have the open end facing the rear wall of the structure or main use of the property. Trash containment enclosures and containers of sufficient size must be provided for each business to be

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serviced. All garbage and trash must be contained inside the containment area and not inside the enclosure. All spill or litter in the immediate area must be cleaned up and properly disposed of in a timely manner. All garbage containment areas must be constructed with positive drainage to minimize water pooling. Containers must be covered while idle to prevent saturation and wind dispersal. Trash containment enclosures shall be located a minimum of fifty (50) feet from catch basins, waterways and riparian buffer areas.”

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Article V:  
Lots, Yards, Heights

**Article V:**  
**LOTS, YARDS, HEIGHTS**

- 5.01 Lots
- 5.02 Yards and Setbacks
- 5.03 Height
- 5.04 Table of Lot, Yard, Setback and Height Regulations  
*Table 5.04: Lot, Setback, and Height Regulations*
- 5.05 Buffers Required
- 5.06 Minimum Floor Area
- 5.07 Drainage Standards
- 5.08 Compliance with Building Code

**5.01 LOTS**

- A. Every lot shall comply with the minimum required dimensions for lot area, frontage, lot width, and lot depth stated in **Table 5.04**.
- B. For the purposes of compliance with the provisions of this Resolution, lot area shall be exclusive of any area of the lot which is within a public road right-of-way.
- C. Street Frontage Required. Every lot shall have contiguous frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Resolution.
- D. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Lots and yards created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein. Any part of a lot which is required by this Resolution as a yard, setback, open space, or for other use or purpose shall not be separated from such lot by change of ownership or by subdivision. Such required part of a lot shall not be counted or calculated to satisfy the yard, setback, or open space requirement of or for any other lot or building.
- E. Corner Lots. Corner lots shall have sufficient depth and width to provide yards abutting both streets which comply with the minimum front setback requirements. *See 5.02J for selection of front yard.*
- F. The area of a lot, other than the required yards, which is intended for establishment or construction of a use or structure shall be physically suitable to establish a permitted use or structure of the district in which it is located. The area shall not be subject to conditions such as wetlands, floodplains, drainage conditions, steep slopes, or other conditions which make establishment of a permitted use and structure in conformance with this Resolution impractical.
- G. When a building is proposed to be constructed on two or more adjacent lots, the lots shall be combined and the new legal description for a single combined lot shall be recorded to ensure that the building, required yards, parking and other requirements are provided on one lot.
- H. Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution even though such lot does not comply with the lot area and width requirements of the district; provided the lot has a minimum of forty (40) feet frontage on

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- a public street and forty (40) feet width at the front setback line. Nothing in this Resolution shall prevent the use for single family residential purposes of a lot, platted prior to the time of enactment of this Resolution; provided that the front yard, rear yard and side yard requirements of the district in which the lot is located shall be met unless approved as a variance.
- I. Buildings and Septic Systems per Lot. In the Agriculture, R-1 and Business District, there shall be no more than one single family dwelling and septic system on each lot. In the R-2 District, there shall be no more than one single family dwelling and one septic system, or one two family dwelling or one three family dwelling and septic system permitted on each lot. A two-family or three-family dwelling shall only be permitted on a lot conforming to the minimum lot requirements for such use stated in **Table 5.04**.
- J. In addition to the minimum standards for lot area provided in this Resolution, any lot which is platted in a location in which public water and sanitary sewer is not available shall comply with the lot requirements of the building and health regulations enforced in Mahoning County in order to ensure suitability of the lot for constructing and maintaining a use conforming with these regulations together with the necessary potable water supply and sanitary waste disposal facilities.

## 5.02 YARDS AND SETBACKS

- A. Yards Required. Front, side, and rear yards complying with the setback requirements shall be provided and maintained on all lots as required in **Section 5.04**.
- B. Projections into Yards. Except as otherwise provided in this Resolution, every part of a required yard shall be open to the sky unobstructed. Any structure or part thereof, including a chimney, deck, platform or other architectural projection, except open, uncovered steps, shall be considered a part of the building or structure to which it is attached and shall not be located closer to the lot line than the setback line
- C. Sight Triangle on Corner Lots. No fence, sign, tree, shrub, or other object or material having a height in excess of two (2) feet, or which otherwise obstructs the view of motorists and thereby creates a traffic hazard, shall be placed on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street right-of-way lines.
- D. In any location where the road right-of-way line is not established, it shall be assumed that the right-of-way is sixty (60) feet in width and the front yard and front setback shall be measured from the line which is thirty (30) feet from the centerline of the road. Wherever the road right-of-way is less than 50 feet or is unrecorded, the front setback shall be measured from a line not less than twenty-five (25 feet) from the centerline of the road.
- E. Setback for Accessory Structures. **See Section 4.03, Accessory Uses and Structures.**
- F. Where a lot abuts upon any street, service street, or alley, the rear yard shall be measured from the right-of-way line of the existing street, or alley.
- G. Where a dwelling will be constructed on a lot in an area where other existing dwellings have shallower (nonconforming) front yards than required by this Resolution, the minimum front yard depth for the proposed dwelling will be calculated as follows:

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1. Measure the depths of the front yards of all existing dwellings located on lots with frontage on the same side of the street as the proposed dwelling and located within 150 feet of the lot for the proposed dwelling.
  2. Calculate the average of the existing front yard depths.
  3. The front yard for the proposed dwelling may have a depth equal to or greater than the average so calculated, but the front yard:
    - a. Shall not be less than thirty (30) feet and
    - b. Shall not be required to be greater than twenty (20) feet more than an abutting front yard.
- H. In the R1 District, when a lot platted prior to the time of enactment of this Resolution is less than seventy-five (75) feet wide, each side yard shall be at least five (5) feet in width and the sum of the two side yards shall be at least fifteen (15) feet.
- I. In the R2 District, when a lot platted prior to the time of enactment of this Resolution is less than seventy-five (75) feet wide, each side yard shall be at least five (5) feet in width and the sum of the two side yards shall be at least fifteen (15) feet.
- J. Front Yard of Corner Lot. In the case of a corner lot, the frontage on one street line shall be determined (at the time the lot is reviewed and approved for compliance with this Resolution) to be the front lot line from which the front, side, and rear lot lines and yards shall be established. *See Section 5.01E.*
- K. Front yard in a Business District. Where there are existing building or buildings with a setback less than the required minimum fifty feet, the setback may be determined by the mean distance of setback of the building or buildings, fronting on the same side of the street within one hundred and fifty (150) feet of such proposed building site. In the case of a corner lot, a building or part thereof may be placed within fifteen (15) feet of the side property line, providing there shall be no delivery and/or loading areas on this side, the side yard requirement shall be doubled if delivery and/or loading areas are provided on side street of the building.

**5.03 HEIGHT**

- A. Principal structures and accessory structures shall comply with the maximum height regulations of *Table 5.04.*
- B. In a residential district or C Commercial District, the height of a principal structure other than a dwelling may exceed the maximum provided in *Table 5.04*, up to a height of sixty (60) feet, provided that, for each one (1) foot in excess of the maximum height, all setbacks are also increased by one (1) additional foot.
- C. In business and industrial districts, the height of a tower, tank, stack, chimney, elevator bulkhead, conveyor or other equipment which is demonstrated to be necessary to the operation of the principal use on the lot may exceed the maximum provided in *Table 5.04* subject to a conditional use permit.
- D. In the Agriculture District, there shall be no limit on the height of non-residential structures except that for each one (1) foot the height of such structure exceeds thirty-five (35) feet; the width required for each of the side yards shall be increased by two (2) feet to ensure adequate safety. This provision shall not apply to structures exempted from zoning regulation.

**5.04 TABLE OF LOT, SETBACK, YARD AND HEIGHT REGULATIONS**

Except as otherwise provided in this Resolution, the following shall apply to lots, yards, and structures in the respective districts.

<b>Table 5.04 Lot, Setback, and Height Regulations</b>							
	Minimum Lot Area	Minimum Frontage (feet) (b)	Minimum Lot Width at Front Setback (feet)	Minimum Yard			Maximum Height
				Front	Side	Rear	
<b>A Agricultural District</b>							
Single Family Dwelling	3.0 acres.	150	150	100	25	40	35
Uses other than dwellings (a)	3.0 acres (a)	150 ft (a)	150 ft (a)	125 (a)	50 (a)	100 (a)	See 5.03
<b>R1 Residential</b>							
<b>Single Family Dwelling with public water and sanitary sewers available:</b>							
	1.5 acres	150	150	75	25	40	35
<b>Single Family Dwelling where public water and sanitary sewers not available:</b>							
	3 acres	150	150	100	25	40	35
Uses other than dwellings (a)	1.5 acres (a)	150 ft (a)	150 ft (a)	125 (a)	50 (a)	50 (a)	See 5.03
<b>R2 Residential</b>							
Single family dwelling	3 acres	150	150	100	25	40	35
Two family dwelling	4.0 acres	200	200	100	25	40	35
Three family dwelling	5 acres	250	250	100	25	40	35
Uses other than dwellings (a)	1.5 acres (a)	150 ft (a)	150 ft (a)	125 (a)	50 (a)	50 (a)	See 5.03
<b>B Business</b>							
All Uses other than dwellings	1.5 acres	150	150	50	10	40	35
Dwellings	Same as required for R2 District above.						
<b>C Commercial</b>							
All Uses	1.5 acres	150	150	50	15	40	35
<b>I Industrial</b>							
All Uses	1.5 acres	150	150	50	15 (b)	30 (b)	35
a. Uses other than Dwellings. In the A, R1, and R2 Districts, any permitted use shall only be established on a lot complying with the requirements of this Table 5.04. Any conditional use shall only be established on a lot complying with these requirements as minimum standards, except that the Board of Zoning Appeals may require greater standards as a condition of the conditional use permit.							
b. No building or structure in an industrial district, shall be erected within or structurally altered to extend within one hundred (100) feet of a residential district. Such space may be used for employee and/or visitor parking, or shall be seeded, planted and properly maintained. If used for parking, service courts, trash retainage, storage, delivery or shipping and is visible from an adjoining residential property, this area shall be effectively screened from view by an acceptably designed wall, fence, evergreen planting or landscaping earthen mound. All landscaping and screening shall be maintained in reasonable good condition. In no case shall such vegetation or screening be placed in a manner which would present a safety hazard to vehicular or pedestrian traffic.							
c. Cul-de-sac Frontage. Notwithstanding other requirements of this Table, a lot may be platted with one hundred (100) feet of frontage along the curved part of a cul-de-sac bulb.							
PD Planned Development: See PD regulations in Article VIII.							

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### 5.05 BUFFERS REQUIRED

In Business, Commercial, and Industrial Districts, the following buffering requirements shall be applicable for (1) those sides of a property which adjoin a street or right-of-way and (2) any side of a property which is adjacent to, in whole or in part, either a residential or B Business district

- A. All pavement shall be set back from the above described property lines a distance of ten (10) feet, except for those reasonable portions required for access to and from the street and to adjoining properties.
- B. The area created between the property line(s) and the setback line shall be landscaped with grass, evergreen ground cover or other acceptable landscaping treatment.
- C. Where pavement is used for parking, service courts, trash retainage, storage, delivery or shipping area, and where such pavement is visible from an adjoining residential property or from a public street, this pavement shall be screened from view by a wall, fence, evergreen planting and/or landscaped earthen mound in addition to the landscaping requirements described above.
- D. All landscaping and screening shall be maintained in good condition. In no case shall such vegetation or screening be placed in manner which presents a safety hazard to vehicular or pedestrian traffic.

### 5.06 MINIMUM FLOOR AREA

Every dwelling unit shall have a livable floor area above grade of not less than one thousand two hundred (1200) square feet except that, in a two-family or three family dwelling, a dwelling unit for which private basement space is constructed shall have a livable floor area of not less than one thousand (1000) square feet.

### 5.07 DRAINAGE STANDARDS

In residential subdivisions and in all developments in the Business, Commercial, and Industrial Districts, on-site drainage retention or detention areas and calculations must be presented and made a part of a site plan to the zoning office for approval by the Mahoning County Soil and Water Conservation District.

### 5.08 COMPLIANCE WITH BUILDING CODE

All buildings constructed or erected or altered in the Commercial District and Industrial District shall comply with the Ohio Basic Building Code. The Fire Chief shall be permitted to review and approve building and site plans.



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## Article VI: SIGNS

- 6.01 Purpose and Intent
- 6.02 General Regulations
- 6.03 Signs Permitted in Residential Districts
- 6.04 Signs Permitted in Business, Commercial and Industrial Districts

### 6.01: PURPOSE AND INTENT

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

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

### 6.02: GENERAL REGULATIONS

- A. Compliance Required. Signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved, or maintained, in whole or in part, only in accordance with the provisions set forth in this Article. The provisions of this Article shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs.
- B. Zoning Permits. Zoning Permit Required. A Zoning Permit issued by the Zoning Inspector pursuant to the provisions of this Article shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration or any sign, including temporary signs, except as otherwise specifically exempted in **Subsection 6.02B2 below**. In addition to the standard requirements in **Section 2.02** regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or fixed.
  - 1. Expiration Date of Permit. A permit for the erection of a sign shall become void if such sign is not erected and completed within one hundred twenty (120) days after the date of the sign permit.
  - 2. Permit Exceptions. No Zoning Permit shall be required for:
    - a. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure, including replacement of the sign face in a manner which does not exceed the dimensions approved in the effective zoning permit;

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- b. Changing those parts of a changeable copy sign approved as changeable;
  - c. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;
  - d. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas;
  - e. Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties; and
  - f. Temporary Sign. In addition to any other signs permitted in the districts with permits, one (1) temporary sign not exceeding four (4) square feet in area per lot or parcel.
- C. General Requirements. The following provisions shall apply to all signs.
- 1. The total area of all signs permitted on a lot in accordance with regulations set forth in the following Sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, or any signs which cannot be seen from a public street, right-of-way, or adjacent properties.
  - 2. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.
  - 3. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two (2) faces of a free-standing sign are oriented 180 degrees from one another, and back to back to one another, the total sign area of such sign shall be measured as if the sign had a single face.
  - 4. The height of a free-standing sign shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.
  - 5. For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the facade facing the principal street or containing the main entrance, and the frontage of a lot shall be the number of linear feet that the lot abuts on the principal street.
  - 6. Illumination. Signs in residential districts shall not be illuminated, except as specifically provided herein. Signs in commercial, business and industrial districts may be illuminated. Where illuminated signs are permitted, they shall conform to the following requirements:
    - a. All illuminated signs shall comply with the requirements of the National Electric Code.
    - b. Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.
    - c. Illumination shall not be of excessive brightness. Lighting shall be shielded to prevent view of the light source from, as well as direct light or glare into, adjoining residences, residential districts, and vehicles in a public right-of-way.

- d. Flashing, moving or intermittent illumination shall not be permitted.
  - e. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.
7. All signs shall be located in conformance with the following criteria:
- a. No signs shall be attached to utility poles, street signs, or traffic control poles.
  - b. No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections.
  - c. No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
  - d. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
8. Prohibited Signs. Signs shall be permitted in each use district and regulated as to type, size and location as provided in this Article. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:
- a. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
  - b. Mobile, portable, or wheeled signs;
  - c. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign, which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
  - d. Signs placed, inscribed or supported upon a roof or upon any structure, which extends above the roof line of any building;
  - e. Inflatable images;
  - f. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices;
  - g. Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
  - h. Beacons or searchlights; and
  - i. Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.
9. Any owner, part owner, tenant or lessee who suffers a sign to remain on his property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair.
10. Removal of Unsafe Sign.
- a. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property.
  - b. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Inspector shall order the sign to be made safe or removed.

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- c. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Zoning Inspector, forthwith in the case of immediate danger and in any case within ten (10) days, secure, repair or remove said sign or structure in a manner approved by the Zoning Inspector.
  - d. If said person or firm fails to comply with such order within ten (10) days, the Zoning Inspector may take such action as is necessary to cause removal of the sign at the expense of the owner or lessee.
11. Removal of Sign in Violation.
- a. The Zoning Inspector shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations.
  - b. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector, within ten (10) days, remove or modify the sign or structure in a manner approved by the Zoning Inspector.
  - c.. If such sign is not removed or brought into compliance as directed in the notice of violation within ten (10) days, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

### 6.03: SIGNS PERMITTED IN RESIDENTIAL

The following signs shall be permitted in residential district and shall conform to the regulations set forth in herein:

A. Permanent Signs.

- 1. One sign, which may be either a wall or free-standing sign, not exceeding six (6) square feet in area may be permitted for each lot or parcel. If freestanding, the sign shall not exceed three (3) feet in height and shall not be located less than ten (10) feet from any right-of-way line or lot line.
- 2. One freestanding sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed twenty (20) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed upon occupancy of the building.

### 6.04: SIGNS PERMITTED IN AGRICULTURAL DISTRICTS

The following signs shall be permitted agricultural districts and shall conform to the regulations set forth in herein:

- A. Permanent Signs.
  - 2. One sign, which may be either a wall or free-standing sign, not exceeding six (6) square feet in area may be permitted for each lot or parcel less than five acres. If freestanding, the sign shall not exceed three (3) feet in height and shall not be located less than ten (10) feet from any right-of-way line or lot line.
  - 3. One sign, which may be either wall or freestanding, not exceeding forty (40) square feet in area nor six (6) feet in height may be permitted for each lot or parcel having at least five hundred (500) feet of frontage on one street and used for agricultural purposes **as provided by the Ohio Revised Code**. The sign shall be setback at least ten (10) feet from the right-of-way and at least one hundred (100) feet from all other property lines.
- B. Temporary Signs.
  - 1. One sign, which may be either a wall or free-standing sign, not exceeding six (6) square feet in area shall be permitted for each lot or parcel for not more than four (4) fifteen (15) day periods per year. Freestanding temporary signs (which may be mobile, portable, or wheeled signs) shall not exceed three (3) feet in height nor shall such signs be located less than ten (10) feet from the right-of-way or any lot line.
  - 2. One freestanding sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed twenty (20) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed upon occupancy of the building.

#### **6.05: SIGNS PERMITTED IN BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS**

The following signs shall be permitted in the Business, Commercial and Industrial Districts and shall conform to the regulations set forth herein:

- A. Permanent Signs.
  - 1. Total Area of Permanent Signs. The total area of all permanent signs (including wall and freestanding) for each use, parcel, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Zoning Inspector. Buildings or parcels located on a corner lot may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).
  - 2. Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached.
  - 3. Freestanding Signs. Each use, parcel, building, or land under common ownership or control shall be limited to one (1) free-standing sign which shall not exceed forty (40) square feet in area or six (6) feet in height. Lots which have frontage on two (2) or more streets may have a second freestanding sign provided that the second free-standing sign is located on a different street frontage and does not exceed forty (40) square feet in area or six (6) feet in height. Freestanding signs

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shall be located a minimum of ten (10) feet from all property boundary lines, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line.

- B. Window signs. Window signs shall not obscure more than thirty percent (30%) of the glazed surface of any window.
- C. Temporary Signs.
1. One sign, which may be a wall or free-standing sign, not exceeding thirty-two (32) square feet in area shall be permitted for each lot for not more than four (4) fifteen (15) day periods per year. Free-standing temporary signs (which may be mobile, portable, or wheeled signs) shall not exceed six (6) feet in height nor shall such signs be located less than ten (10) feet from the front or any side lot line.
  2. One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor six (6) feet in height. Each such sign shall be located a minimum of ten (10) feet from any street right-of-way or property line and shall be removed upon occupancy of the building.
- D. Billboard Signs. Billboards shall be permitted in all districts zoned as agricultural business, commercial and industrial (ORC 519.20), with the following limitations:
1. Only one (1) double sided billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, not to exceed a gross area of 300 square feet per side.
  2. Spacing:
    - (a) Billboards and outdoor advertising signs shall be placed so as to maintain a spacing distance of one thousand five hundred (1,500) feet between one another as measured from the base of each sign, regardless of whether the signs are both located on the same road corridor or are both located on different road corridors.
    - (b) No sign shall be placed closer than twelve hundred (1200) feet from a residential district as measured from the base of the sign to the closest point of any residential district.
    - (c) No sign shall be placed closer one thousand (1000) of any publicly owned or maintained parkland, forest preserve, picnic ground, playground, and swimming beach, elementary or secondary playground.
    - (d) No sign shall be placed closer than fifty (50) feet from any on-premise monument sign or pole sign.
  3. No billboard shall have any flashing, running, or sequential lights.
  4. No billboard shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion.
  5. Front setback. Any billboard placed on an agricultural, business, commercial or industrial parcel shall have a minimum setback of thirty five (35) feet from front property line, measured from the point of sign structure or leading edge closest to the street or road.

- 6. Billboards and outdoor advertising along a state highway, interstate highway, or designated federal aid primary system highway shall conform with all applicable state (O.D.O.T.) and federal regulations.
- 7. No billboard sign shall be affixed to, constructed on, or placed on a trailer, semi-trailer or truck of any type.
- 8.

**6.06 SIGNS PROHIBITED AT ALL TIMES**

- 1. Cemetery or cemetery property except for cemetery identification and signs and signs pertaining to official cemetery business.
- 2. Green Township Property except with written permission of the Green Township Trustees.

**6.07 OFF SITE ADVERTISING**

- 1. No permanent sign or advertising maybe erected on any property NOT owned by the sign owner or representative, organization, business, company or corporation may be erected without meeting the following conditions.
  - (a) Written Permission from the land owner as recorded by the Mahoning County Auditor.
  - (b) Signs will conform to all signage regulations of the zoning district in which they are placed or displayed.
- 2. Temporary Signs require
  - (a) Written permission from the land owner.
  - (b) Signs will conform to all signage regulations of the zoning district in which they are placed or displayed.



## Article VII: PARKING

- 7.01 General Requirements
- 7.02 Parking Space Requirements
  - Table 7.02: Parking Spaces Required*
- 7.03 Parking Area Dimensions
- 7.04 Parking Area Design
- 7.05 Location of Parking and Drives in Yards
- 7.06 Loading Space Requirements
- 7.07 Entrances and Exits
- 7.08 Vehicle Storage

### 7.01 GENERAL REQUIREMENTS

- A. No building or structure shall be erected, substantially altered, or its use changed and the use of land shall not be changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Article
- B. Unless otherwise approved by the Board of Zoning Appeals, required parking and loading spaces shall be located on the same lot as the use for which they are required.
- C. No parking, loading or servicing shall be done in any public right-of-way nor shall any parking or loading facility be designed or located in a manner which causes or requires vehicles to obstruct a public right-of-way while attempting to enter a lot or which causes or requires vehicles to exit a lot, other than in a residential district, by backing up.
- D. Parking shall only be permitted on paved or graveled areas in the Business, Commercial and Industrial Districts.
- E. The owner of parking or loading facilities, including landscaping or buffers required therefore, shall maintain them in good condition, free of holes, trash, and debris.

### 7.02 PARKING SPACE REQUIREMENTS

- A. Parking spaces shall be provided for each use and structure as required in **Table 7.02.**
- B. Where the Zoning Inspector determines that the off-road parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be determined by the Board of Zoning Appeals. The parking and loading areas shall be sufficient to meet all the parking and loading needs of the proposed use and sufficient space shall be reserved on the site to provide for the reasonable future re-use. In determining the required number of spaces, the Board shall consider the following:
  - 1. Parking requirements established in this Resolution for uses which are similar to the proposed use, particularly with regard to parking demand characteristics;

- 2. Information about probable parking demand for the proposed use from site design professionals and other resources;
- 3. Parking demand information provided by the applicant.
- C. The parking spaces required for a use or building shall be calculated by multiplying the floor area of the building or use or other specified measure by the respective “off-street parking spaces required” as listed in the table. A fractional number shall be increased to the next whole number.
- D. Where two or more uses are located on the same lot, the total number of spaces required shall equal the sum of the requirements for the individual uses.
- E. Where evidence is presented that a proposed use will require fewer parking or loading spaces than required by this Resolution, the Board may approve initial construction of fewer spaces than required, provided that conditions are established reserving space on the site on which additional parking and loading can be constructed in compliance with this Resolution.

<b>Table 7.02: PARKING SPACES REQUIRED</b>	
<i>Use</i>	<i>Off-Street Parking Spaces Required</i>
Dwellings	2 spaces per dwelling unit
Dining Room, restaurant, tavern, night club	1 for each 50 square feet of dining floor area
Auditoriums, sport arenas, theaters and similar assembly uses:	One (1) for each 4 seats.
Automotive repair	Four (4) for each service bay.
Gasoline filling stations:	Two (2) for each gasoline pump.
Hotels, motels: .	One (1) per each sleeping room plus one (1) space for each two (2) employees
Funeral parlors, mortuaries and similar type uses:	One (1) for each 100 square feet of floor area in slumber rooms, parlors or service rooms.
Retail stores, including farm markets	One (1) for each 250 square feet of floor area
Banks, financial institutions and similar uses:	One (1) for each 200 square feet of floor area.
Offices, public or professional administration or service buildings:	One (1) for each 400 square feet of floor area.
All other types of business or commercial uses:	One (1) for each 300 square feet of floor area.
Shopping Centers	Five (5) spaces for each 1,000 square feet of gross leasable floor area
Churches and other places of religious assembly:	One (1) for each 5 seats.
Hospitals:	One (1) for each bed.
Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar uses:	One (1) for each 2 beds.
Medical and dental clinics: .	One (1) for every 200 square feet floor area of examination treating room office and waiting room
All types of manufacturing permitted in any industrial districts:	One (1) for each 500 square feet of floor area

Storage and wholesale uses; cartage, express, parcel delivery and freight terminals:	One (1) for each 1000 square feet of floor area
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**7.03 PARKING AREA DIMENSIONS**

- A. Off road accessory parking areas shall provide parking spaces, each of which shall be not less than 200 square feet in area, exclusive of access drives or aisles, not less than ten (10) feet in width, and not less than twenty (20) feet in length.
- B. Aisles serving individual parking spaces shall have widths not less than the following:
  - 1. 90 degree parking 22 feet
  - 2. 60 degree parking 17 ½ feet
  - 3. 45 degree parking 13 feet
  - 4. Parallel parking 12 feet

**7.04 PARKING AREA DESIGN**

- A. All parking areas with a capacity over 12 vehicles shall be striped between stalls to facilitate the movement into and out of the parking stalls.
- B. Parking areas shall be of useable shape, paved with bituminous, concrete or equivalent surfacing, graded and drained to dispose of all surface water in a manner designed to minimize adverse effects on abutting properties, streams and public roads.
- C. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or roads and no open light sources such as the stringing of light bulbs shall be permitted.
- D. Within the area of any parking lot with a capacity of twenty (20) or more vehicles, at least one (1) tree shall be planted and maintained for each ten (10) spaces. A fractional number of trees shall be increased to the next whole number.

**7.05 LOCATION OF PARKING & DRIVES IN YARDS**

- A. In a B Business, C Commercial or I Industrial District, open off-road parking facilities may be located in the required front yard provided that at least a 20 foot wide landscaped strip is located between the parking area and the road right-of-way line.
- B. Where an Industrial district abuts a residential district, parking shall not be located closer to the residential district than fifty (50) feet. *See Section 5.05 for Required Buffers in Commercial and Business Districts.*
- C. In Business, Commercial, and Industrial districts, open off-road parking facilities may occupy the required rear or side yard setback not less than ten (10) feet from every property line.
- D. The Zoning Inspector may authorize the construction of joint drives serving two or more properties and located on a property line provided that the drives comply with all other provisions of this Resolution and a written agreement and easement are executed providing for joint use and maintenance.

**7.06 LOADING SPACE REQUIREMENTS**

- A. Every building, other than a dwelling, which customarily receives or distributes goods by motor vehicle, shall provide sufficient space on the premises for all loading and service purposes.
- B. Every building having over 5,000 square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than 12 feet in width, 40 feet in length and 14 feet height clearance.
- C. An additional truck space of these dimensions shall be provided for every additional 20,000 square feet or fraction thereof, of gross floor area in the building.
- D. Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.

#### 7.07 ENTRANCES AND EXITS

- A. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at road intersection corners.
- B. Only one (1) access way shall be permitted for each lot.
- C. Access ways shall be not more than 30 feet in width at the right-of-way line, except that access ways primarily for truck use shall be not more than 80 feet in width at the right-of-way line. The Board of Zoning Appeals may vary these provisions where a traffic study provides evidence that a wider access way is needed.
- D. In the Industrial District, no entrance or exit shall be located closer than 150 feet to the intersection of right-of-way lines at the intersection of two streets or roads.

#### 7.08 VEHICLE STORAGE

- A. **All Boats, Campers and Recreational Vehicles.** No boat or recreational vehicle may be stored closer than ten (10) feet to any property line.
- B. In the Business, Commercial, and Industrial Districts, no vehicle owned by or used in the operation of a business shall be stored in a front yard or side yard which abuts a public right-of-way (including a yard abutting a limited access highway). No vehicle owned by or used in the operation of a business shall be parked closer than ten (10) feet to any lot line.
- C. Heavy Motor Vehicles, Tractor Trailer Combinations, other Commercial Vehicles. *See also Table 4.02 for "commercial vehicle/trailer storage".* Not more than one (1) of the following described heavy motor vehicles per home may be parked in a Residential District, except while being loaded or unloaded:
  - 1. A motor vehicle having a rated carrying capacity of more than two (2) tons.
  - 2. A motor tractor and/or trailer used for freight purposes
  - 3. A bus (motor coach) used for commercial purpose.
- D. Recreational Vehicles. In any district, the owner of a recreational vehicle may store it on the property on which he resides providing, it is not used for habitation for more than fifteen (15) days in any ninety (90) day period while so stored and that applicable set back and side yard restrictions are conformed with. **All Storage of Boats, Campers and Recreational Vehicles must be beside or behind the house.**
- E. Construction Equipment. Commercial construction equipment, including but not limited to backhoes, bulldozers, earth graders, and dump trucks, shall not be parked on any lot in an R1 or R2 District for longer than fifteen (15) days and only during the time when the

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equipment is in use for construction on the lot. Commercial construction equipment may be stored on a lot in the A District provided the lot is a minimum of five (5) acres in area, the equipment is stored not less than twenty-five (25) feet from every property line, and the equipment is stored no closer to the front line than the principal building on the lot.

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Article VIII:  
Planned Development

# Article VIII: PLANNED DEVELOPMENT

- 8.01 General
- 8.02 Uses
- 8.03 Development Standards
- 8.04 Criteria for Development Plans
- 8.05 Procedures

## 8.01 GENERAL

- A PD Planned Development District shall only be established subsequent to petition by the owner(s) of land proposed to be included within the PD District.
- B. A PD District shall only be created where it is determined that the development of the district will be in conformance with adopted plans of the Township.
- C. Each PD District shall have a minimum area of ten (10) contiguous acres provided, however, that after a PD District is established, additional contiguous areas of any size may be added as modifications and extensions of the original district.
- D. All development in a PD District shall conform with Development Plans approved by the Township Trustees in accordance with the provisions set forth herein.

## 8.02 USES

- A. Within a PD District, buildings, structures and premises shall only be used, be arranged to be used, or be designed to be used, in whole or in part, for one or more of the following uses, provided further that each use is identified on and approved as part of a Development Plan:
  1. Agriculture
  2. Roadside Stand
  3. Single Family Dwelling
  4. Attached Single Family Dwelling, provided that not more than four (4) such dwelling units shall be attached in any single building
  5. Two family dwelling
  6. Three family dwelling
  7. Special Residential Facility
  8. Homes for the elderly
  9. Bed and Breakfast Inn
  10. Church, parish house
  11. Recreation Facility, Type A or Type B
  12. Public Facility
  13. Private school, Public School
  14. Child Day Care Type A, Type B, or Child Day Care Center
  15. Common Parking Areas
  16. Accessory uses and structures permitted in residential districts
- B. The Zoning Commission and Township Trustees shall determine the appropriateness of each proposed use in reviewing the Development Plan, giving consideration to the standards established herein and any other considerations deemed by the Commission

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and Trustees to be significant in determining the appropriate use or uses for the proposed PD District. The Commission and Trustees shall have the authority to deny approval for any proposed use which is determined to be inappropriate as proposed.

**8.03 DEVELOPMENT STANDARDS**

Development in a PD District shall comply with the following standards:

**A. Buildings, Structures, Dwellings**

1. Density.
  - a. The density of dwelling units shall be as approved in the General Development Plan, but shall in no case be greater than two (2) dwelling units per gross acre of the PD District, excluding the area of existing public rights-of-way. On the basis of findings relating to the location of the PD District, its surrounds, its design, its impact on nearby areas, and other factors, the Board may permit this density at maximum or may limit the density to a lower amount.
  - b. The density on any one acre within a PD District shall not exceed six (6) units per acre unless a higher density is approved in the General Development Plan based on findings regarding setbacks of the units from roads and other properties, amenities provided, and other factors consistent with the purpose and intent of this Resolution.
2. Mixture of Dwelling Types. Within each PD District a minimum of thirty percent (30%) of the total dwelling units shall be detached single family dwellings.
3. Minimum Floor Area. No dwelling unit within a PD District shall contain less than fifteen hundred (1500) square feet of livable floor area.
4. Maximum Height. No building or structure shall exceed thirty-five (35) feet in height except as specifically authorized by the Zoning Commission and Township Trustees in approval of the General Development Plan.
5. Setbacks and Separations. Except as provided below, setbacks and separations shall be as established in the approved detailed development plan. In establishing setbacks and separations, the Zoning Commission and Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, the relationships of building sites to circulation patterns, and other factors relating to the health, safety, and welfare of the community. In no instance, however shall the established setbacks and separations be less than the following:
  - a. No building, structure (except signs), or parking area shall be located closer than seventy-five (75) feet to the right-of-way line of an existing public street.
  - b. No building, structure (except fences and signs), or parking area shall be located closer than twenty-five (25) feet to any boundary of the PD District.
  - c. No building shall be located closer than thirty-five (35) feet to the right-of-way line of any new public right-of-way constructed within the PD District.

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- d. No building shall be located closer than twenty (20) feet to the edge of pavement or edge of easement of any private street.
  - e. The minimum distance between buildings shall be twenty (20) feet.
  - f. Where lot lines are created as part of a Planned Development, there shall be no setback requirement from such lot lines provided such arrangement is shown on the Development Plan and is approved by the Township.
  - g. An area at least twenty (20) feet in width paralleling the edges of all wetlands shall be preserved in its natural state. No building shall be constructed closer than thirty-five (35) feet to a wetland.
6. Architectural Design. Architectural treatments shall demonstrate a cohesive design concept which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. Use of excessively similar or excessively dissimilar building treatments should be avoided.
- B. Lots
1. Where individual building lots are established within a PD District, the sizes of the lots shall be as established on the Development Plan and as approved by the Township.
  2. Lots created within a planned development shall only be recorded as part of a major subdivision as provided in the Mahoning County Subdivision Regulations.
  3. The form of ownership of structures and land within a planned development shall be as approved by the Zoning Commission in the Development Plan and in compliance with the Mahoning County Subdivision Regulations.
  4. No part of an area of open water, wetland, or flood plain shall be subdivided into private lots, except as approved by the Zoning Commission in the development plan.
- C. Permanent Open Space
- Areas of land shall be designated on the General Development Plan and on the Detailed Development Plan as “permanent open space” conforming with these Regulations.
1. Permanent open space shall be located and designed in a manner integrated with the overall design of the District and developments, to be accessible and beneficial to the residents of the PD District, and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas. All parts of the designated open space shall be preserved in their natural state, or designed and improved for the use and enjoyment of residents of the development or for the general public, or utilized for field crops or pasture of animals. Storm water management facilities, such as retention or detention ponds, may be located in open space areas.
  2. At least thirty percent (30%) of the total land area of the Planned Development District shall be designated as permanent open space.
  3. The following standards shall apply to land which is approved as complying with the minimum required permanent open space:
    - a. Land occupied by streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the



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calculation of open space for the purpose of meeting the minimum area requirement.

- b. Open space areas within required buffers and/or setbacks from property lines may be counted as open space when such areas are contiguous to and part of a larger open space area.
- c. Water surface of lakes, ponds, and other open bodies of water, floodplains, federally-designated wetlands, and other land which is determined by the Board to be similarly unsuitable for construction of dwellings may be included as open space but shall not be more than one-half (1/2) of the required permanent open space.
- d. Open space shall be protected from subdivision and the ownership of open space and control of conservation easements shall be as approved by the Board and established by means of legal documents approved and duly recorded. Ownership may be held by any entity approved by the Board and may be a homeowner association, the Township, County Park District, the State of Ohio, a land trust, or other entity, provided that it shall be demonstrated to the satisfaction of the Board that the proposed owner has or will have the capacity to preserve and maintain the land according to the provisions of this Resolution.
- e. A perpetual maintenance plan for permanent open space shall be submitted to the Township for review and approval. The perpetual maintenance plan shall set forth responsibility for maintenance and the method of financing for maintenance. The perpetual maintenance plan shall become part of the Detailed Development Plan and shall be placed on record with the County Recorder as a covenant on the land within the PD District. The perpetual maintenance plan shall identify the Township as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.

**D. Utilities**

1. A PD District shall only be established where it will be served by an approved central or public water supply system and an approved central or public sanitary sewer system.
2. All utilities shall be located underground, except that utility appurtenances may be constructed above-ground as approved by the Township in the Detailed Development Plan.

**E. Streets, Access, Parking**

1. All Planned Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets. No dwelling unit or non-residential use which is part of a PD Development shall have a driveway access directly onto an existing public street.
2. All public streets within a PD shall be designed and constructed in accordance with the standards and specifications of the Mahoning County Subdivision Regulations.

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- 3. Private streets within a PD District shall be a minimum of twenty-two (22) feet in width. Private cul-de-sac streets shall be designed with sufficient turn around areas to adequately accommodate emergency vehicles and service vehicles such as snow plows and garbage trucks. Private streets shall meet the same base and pavement design criteria as public streets.
- 4. Each dwelling unit and each non-residential use shall have access to either a public or private street internal to the PD District in a manner approved by the Township and said access shall be clearly defined on the development plan.
- 5. Planned Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
- 6. Each dwelling unit shall be provided with a minimum of two (2) off-street parking spaces, at least one (1) of which shall be within a completely enclosed attached garage. Parking for recreation facilities and other permitted non-residential uses shall be as identified on the development plan and approved by the Township.
- 7. To the greatest extent feasible, vehicular access to lots shall be by means of new internal roads constructed within the planned development. No more than thirty percent (30%) of the frontage of the planned development on existing public roads shall be platted for purposes of lot frontages providing direct access to the existing public roads.

F. Landscaping and Buffers

- 1. All disturbed areas within a Planned Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscaping plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
- 2. Screening and buffering shall be provided within the required setback from existing public street rights-of-way. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Zoning Commission and Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.
- 3. Buffers may be required within setbacks from adjoining properties where the Zoning Commission and Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

**8.04 CRITERIA FOR PD DISTRICT AND DEVELOPMENT PLANS**

The Zoning Commission and Township Trustees shall consider, but shall not be limited to consideration of, the following general criteria (in addition to the specific development standards set forth in Section 8.03) in determining action to be taken pursuant to applications for amendment of the Official Zoning Map to establish a PD District and for General Development Plan:

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- A. The comprehensive nature and design of the General Development Plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts;
- B. The suitability of the site proposed for zoning as a Planned Development District, including its location, size, relationship to existing development in the community, natural features, relationship to community plans, and such other characteristics as may be deemed important;
- C. The anticipated effects of the proposed development upon the Township and upon adjoining and nearby properties, including but not limited to the impacts of traffic, storm water, noise, lighting, utilities, and aesthetic values;
- D. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
- E. The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the Township and to promote use of such transportation modes;
- F. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit;
- G. The adequacy of utilities to serve the character and density of uses within the proposed development and the suitability of the proposed utility design within the District;
- H. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
- I. The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties;
- J. The availability of recreation and open space sites and facilities proposed for use by the residents of the development;
- K. The nature and extent of proposed landscaping, existing vegetation and landforms to be retained, and of proposed screening and buffering;
- L. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
- M. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed;
- N. The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Development and its improvements;
- O. The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this Zoning Resolution.

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## 8.05 PROCEDURES

- A. Pre-Application Meeting. Applicants are encouraged to meet with the Zoning Inspector and other Township Officials prior to the submission of applications to amend the Official Zoning Map and for a General Development Plan. The purpose is to familiarize the applicant with the PD District process, criteria and standards, and with the relevant portions of plans adopted by the Township.
- B. Concurrent Applications for Official Zoning Map Amendment and General Development Plan. Property owners who wish to have their land zoned for a PD Planned Development District shall make applications for an amendment of the Official Zoning Map and for General Development Plan approval. The applications for amendment and for General Development Plan approval shall be submitted simultaneously, the review and action on both shall occur simultaneously, and the approval of one shall be dependent on the approval of the other.
- C. Application for Amendment of the Official Zoning Map.
  1. Application for amendment of the Official Zoning Map to establish a PD Planned Development District shall be made by filing an application with the Zoning Commission pursuant to the provisions of **Section 1.09** of this Zoning Resolution. The application shall be heard and action taken in accordance with the procedures and provisions set forth in the Ohio Revised Code.
  2. In addition to the submittal requirements for all amendments, the following additional material and information shall be submitted with an application for amendment to establish a PD Planned Development District:
    - a. A General Development Plan conforming to the requirements of **Sections 8.03 and 8.04 and Subsection D below.**
    - b. A traffic impact analysis projecting the nature and volumes of vehicular traffic to be generated by the proposed development and evaluating the capacity of the existing roadway system to accommodate that traffic.
    - c. A utility impact analysis addressing the proposed project's demand for water and sanitary sewer services and assessing the availability of adequate treatment and transmission capacities to meet the projected needs.
    - d. A storm drainage management plan which addresses the proposed methods of controlling storm run-off and mitigating erosion and sedimentation impacts.
    - e. Proposed covenants and restrictions intended to govern the development and future use of the Planned Development including a perpetual maintenance plan setting forth the proposed ownership arrangement, maintenance responsibility, and financing method for all common open space, recreation facilities, common parking areas, private streets, and other commonly owned facilities, and any proposed development agreement proffered as inducement for establishing the PD District.
- D. Application for General Development Plan.
  1. A General Development Plan for the entire project shall be submitted and reviewed simultaneously with the application for zoning map amendment for the PD District.

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2. General Development Plan Submission Requirements. The applicant shall submit a General Development Plan for the proposed PD District, drawn to scale and including, at a minimum, the following data. (The applicant shall transmit copies of the General Development Plan in the number determined necessary by the Zoning Inspector for the record and for examination by members of the Zoning Commission and Board of Trustees.)
  - a. The name of the development; names, addresses, and phone numbers of the owner(s) of the property; of the applicant (if other than owner); and written authorization to represent the property if applicant is other than the owner
  - b. North arrow, date and scale;
  - c. The zoning district(s) of the subject property and of adjoining parcels; land uses and existing structures within 300 feet of the planned development;
  - d. Existing lot lines, easements, and rights-of-way;
  - e. A boundary survey;
  - f. Existing topography and proposed finished grade with a maximum two foot (2') contour interval;
  - g. Proposed building locations;
  - h. Locations of all minimum setback lines;
  - i. Vehicular and pedestrian circulation plans;
  - j. All off-street parking areas indicating the number of parking spaces provided and the number required;
  - k. A preliminary storm drainage plan including preliminary arrangements for storm detention facilities.
  - l. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants; all existing and proposed sanitary sewer facilities; documentation of the feasibility of supporting the proposed uses with the proposed utility systems;
  - m. Location and size of all recreation and open space areas;
  - n. A general planting and landscaping plan;
  - o. Typical architectural plans of proposed structures including the number and minimum floor area of dwelling units;
  - p. The location, width, names, and grades of existing and proposed streets.
  - q. Typical sections for all proposed streets;
  - r. Proposed phases if the project is to be developed in stages;
  - s. The location and sizes of any proposed fee simple building lots;
  - t. A summary table showing the total acres of the proposed development, the number of acres devoted to open space, streets, and contained within lots, and the number of dwelling units by type;
  - u. During the course of review of the application, the Commission may require additional information to determine compliance with these Regulations. Additional information shall be submitted and deemed additions to the original application.

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- E. Approval or Denial of Zoning Map Amendment and General Development Plan. Subsequent to receipt of a complete application for amendment of the Official Zoning Map and a complete application for General Development Plan approval, the Zoning Commission and Board of Trustees shall take action as required by **Section 1.09** and the Ohio Revised Code
- F. Detailed Development Plan.
1. After the Board of Township Trustees approves both the amendment of the Official Zoning Map establishing the PD Planned Development District and the General Development Plan for the PD District, the applicant shall submit a Detailed Development Plan (or Plans, if the development is to be accomplished in phases) and obtain approval before proceeding with any development activity of the subject properties.
  2. Detailed Development Plan Requirements.
    - a. Detailed Development Plans submitted to the Zoning Commission for review shall be consistent with the approved General Development Plan and may be for portions or phases of the entire project.
    - b. Detailed plans shall be submitted at least ten (10) working days prior to the meeting at which said plans will be reviewed by the Zoning Commission. A minimum of twelve (12) copies shall be submitted. Submission shall include a fee as established by the Township Trustees.
    - c. Detailed development plan submissions shall be accompanied by performance bonds as required herein to guarantee completion of required improvements.
    - d. Detailed development plans shall be prepared by persons professionally qualified to do such work. Detailed development plans shall be certified by an architect, engineer or land surveyor duly registered by the State of Ohio.
    - e. Detailed site plans shall be prepared at an appropriate scale, but not less than one inch equals one hundred feet (1" = 100'). Profiles must be submitted on standard plan profile sheets.
    - f. Detailed development plans shall include detailed design information for all of the items contained on General Development Plans but shall also include detailed construction drawings for proposed improvements including such items as:
      - g. Detailed street improvement plans including proposed traffic control provisions such as signage, pavement markings, and signalization;
      - h. Detailed utility improvement plans including all pipe sizes, types, grades, and invert elevations, and the location of manholes for sanitary and storm sewers, the location and sizes of water mains, the location of fire hydrants; plans for treatment facilities.
      - i. A detailed landscaping plan including a listing of all plant material by type, size, and number;
      - j. Provisions for the adequate control of erosion and sedimentation;
      - k. The location, type, size and height of all fencing, screening, and retaining walls;

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- l. The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained;
  - m. A site lighting plan;
  - n. Detailed site grading and drainage plans including storm detention calculations and pipe sizing analyses;
3. Subdivision Plat and Improvement Drawings. If the proposed development is subject to the Subdivision Regulations of Mahoning County, the applicant shall concurrently submit an application to the Mahoning County Planning Commission for subdivision approval. The information submitted for subdivision approval shall be consistent with the information submitted in the detailed development plan.
  4. Bonding of Required Improvements. A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period.
- G. Approval of Detailed Development Plans
1. The Zoning Commission shall review each detailed development plan and shall make a recommendation to the Township Trustees regarding same within sixty (60) days of the date at which such detailed development plan is first heard by the Zoning Commission unless such time is extended with the consent of the applicant.
  2. The Zoning Commission may suggest, and the Township Trustees may attach, such conditions to the approval of a detailed development plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of the Township's Land Use Plan.
  3. The Township Trustees shall act upon each detailed development plan referred by the Zoning Commission within sixty (60) day of receipt of the Zoning Commission's recommendation provided, however, that said time period may be extended by the Trustees with the consent of the applicant.
- H. Compliance Required.
1. Subsequent to the approval of a Planned Development District, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the District shall be in substantial compliance with the approved detailed development plan and any conditions of such approval adopted by the Township in approving the PD District and detailed development plan.

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2. Any departure from the approved detailed development plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for permit, development or construction may not be in compliance with the detailed development plan, he shall take appropriate action as authorized by this Zoning Resolution to compel compliance.
  3. If the zoning amendment and detailed development plan are approved, subsequent development of the property shall be made only in substantial conformance said approved development plan.
- I. Amendments to Detailed Development Plans
1. The owner of a property within a Planned Development District may submit plans for amendment of the detailed development plan approved for the District. The Zoning Commission and Township Trustees shall review such amended plan and may approve the amendment if it is determined that the amendment is substantially in conformance with the form, nature, and intent of the general development plan approved for the District as part of the rezoning.
  2. If it is determined that the amendment is not substantially in conformance with the form, nature, or intent of the approved general development plan for the PD District, then the amendment shall be disapproved and the applicant directed to proceed as if considering an amendment to the Zoning Map.
- J. Professional Assistance. The extent and complexity of certain applications for Planned Developments will require that the Zoning Commission and/or Township Trustees obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Zoning Commission and/or Township Trustees shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Development relative to the requirements of this Section. The Zoning Commission and/or Township Trustees shall advise the applicant if such studies are required and provide an estimate of the anticipated costs of such studies. The applicant shall immediately upon such notification deposit with the Township sufficient funds to pay for such studies.



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Article IX:  
Conditional Uses

## Article IX: CONDITIONAL USES

- 9.01 Purpose
- 9.02 Conditional Uses Generally
- 9.03 Procedure
- 9.04 Basis of Determination
- 9.05 General Conditions for All Conditional Uses
- 9.06 Supplementary Conditions and Safeguards
- 9.07 Conditions for Specific Conditional Uses

### 9.01 PURPOSE

The purpose of this Article is to establish standards and procedures for regulating uses which have the potential to be made compatible with 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 design, intensity, configuration, and impacts upon the district and the community in order to ensure such compatibility and preservation of the district and the community.

### 9.02 CONDITIONAL USES GENERALLY

- A. Conditional uses which may be considered for approval are those uses which are identified in this Resolution as conditional uses for the respective districts. A use listed as a conditional use shall not be permitted by right. The identification of a use as a conditional uses in a district shall not establish or imply any rights for approval of the use for any lot, nor shall the approval of a conditional use on a lot establish or imply any rights for approval of the same use on any other lot. Listing as a conditional use shall afford the opportunity to submit an application for a conditional use which may be approved or denied on the basis of the provisions of this Resolution.
- B. The Board of Zoning Appeals may issue conditional use permits as set forth in this Resolution. However, no permit shall be issued unless reasonable conditions are established which will insure harmony of land uses and will not adversely affect the health, safety and morals of persons who now reside or use, or who may reside or use that land within the reasonable future in the general area in which the proposed use is to be located.
- C. In order to accomplish these objectives, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operations, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Uses possessing these particularly unique characteristics are designated as conditional uses. Such use may be authorized by the issuance of conditional use permits with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

**9.03 PROCEDURE**

Any application for a conditional use permit for any structure or use listed as a conditional use under this Resolution shall be submitted and reviewed in accordance with the following procedures:

- A. Application Submitted to Board of Zoning Appeals. Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on an application form for that purpose.
- B. Data Required in Application. Every application shall be accompanied by the following information and data:
  1. Application form supplied by the Zoning Inspector filled out in full by the applicant.
  2. Site plan, plot plan or development plan drawn to a readable scale of the total property involved showing the location of all existing and proposed structures, the types of building and their uses, the parking areas and where appropriate, reclamation.
  3. A statement with supporting evidence regarding the required findings specified in Sections 9.04 and 9.05 below.
  4. Such other information required by the Zoning Inspector or the Board of Zoning Appeals to determine compliance of the proposed use with the provisions of this Resolution.
- C. Review by Board of Zoning Appeals. The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the conditions established in this Resolution. The Board may seek assistance from appropriate sources and any cost of which shall be borne by the applicant.
- D. Public Hearing. Within forty (40) days after receipt of the application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such Notice shall indicate the place, time and subject of the hearing. The Board shall notify the owners of property adjacent to and across the street from the subject lot of the public hearing.
- E. Board Action. The Board of Zoning Appeals shall, within thirty (30) days after conclusion of the public hearing, take one of the following actions:
  1. Approve the proposed conditional use and authorize the Zoning Inspector to issue the zoning permit. In granting approval, the Board may prescribe appropriate conditions and safeguards in conformance with the intent and purposes of this Resolution for the protection of nearby property and the public health, safety, and morals. Conditions may include, but are not limited to:
    - a. Specific requirements for the layout, construction and maintenance of the site, including but not limited to the locations of the uses, structures, driveways, and parking areas and the maintenance and periodic replacement of fences, landscape material, and other features.
    - b. Requirements for periodic inspection of the premises or for the inspection or submittal of records regarding its operation to determine compliance with the approval.

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- c. Requirements for inspection or testing and for payment of the costs thereof deemed necessary to ensure that certain serious impacts or hazards do not occur.
    - d. Specific prohibitions against certain activities, times of operation, or other circumstances which may be commonly associated with such use and which are not acceptable within the terms of the approval.
  2. Deny the proposed conditional use and specify the reason(s) for disapproval.
- F. Re-application. No application for a conditional use permit which has been denied wholly or in part by the Board of Zoning appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals.
- G. Time Limit. A conditional use permit for a use permitted under these regulations may be issued for a specified time limit. After the time limit has elapsed, a new conditional use permit shall be required and may be issued provided that the Board of Zoning Appeals determines that the use has been and is being operated according to the specifications of the Zoning Resolution and the previous conditional use permit. If necessary, the Board may make additional requirements for the continued operation of the use as a prerequisite for re-issuance of the conditional use permit.
- H. Termination. The conditional use permit shall become void at the expiration of one (1) year after date of issuance unless the structure or alteration thereof is started and work is continuing at a reasonable rate. Conditional use permit shall also be void if the ownership of property is transferred.
- I. Enforcement.
  1. If the Zoning Inspector finds that any provision of this Resolution relating to a conditional use is being violated or that any condition, safeguard, or requirement of a conditional use approval is being violated or breached, the Zoning Inspector shall take action to enforce the provisions of the Resolution or the condition, safeguard, or requirement of the conditional use approval, as provided for violations of this Resolution.
  2. If the Board of Zoning Appeals determines that revocation of the conditional use permit may be appropriate action in enforcement of the provisions of this Resolution or of any condition, safeguard, or requirement of the conditional use approval, then the Board shall set a date for a hearing regarding revocation. At least ten (10) days prior to the hearing, written notice shall be issued to the person responsible for the violation advising of the date, time, and location of the hearing. The Board of Zoning Appeals shall conduct the hearing at the date and time established, shall consider the appeal and the record and shall determine the action to be taken. The Board of Zoning Appeals may take any of the following actions as determined appropriate to resolve the violation:
    - a. Order the action necessary to correct the violation.
    - b. Revoke the approval of the conditional use.
    - c. Amend the terms of the approval of the conditional use.
- J. Appeal to Court. Any person or persons jointly or severally adverse to the decision of the Board of Appeals may appeal to the Court of Common Pleas of Mahoning County.

Such appeal must be presented to the Court within ten (10) days after the date on which the Board issues the decision. The court may affirm, reverse, vacate or modify the decision complained of in the appeal.

#### **9.04 BASIS OF DETERMINATION**

In deciding whether to approve or disapprove a proposed conditional use, the Board of Zoning Appeals shall determine if the general conditions and the specific conditions pertinent to each use outlined in the following sections will be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Resolution will be observed.

#### **9.05 GENERAL STANDARDS FOR ALL CONDITIONAL USES**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following general standards and shall find adequate evidence showing that such use on the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the land use and thoroughfare plan of current adoption;
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will be in compliance with State, County and Township regulation;
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- I. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, odors, health hazards or water pollution.
- J. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

#### **9.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

- A. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards regarding, but not limited to, the following:
  1. General character, height and use of structure;
  2. Provisions of surrounding open space and treatment of the ground;

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3. Buffering;
  4. Street capacity, traffic, parking;
  5. Front, side, and rear yard requirements;
  6. Lighting, noise, odor;
- B. A conditional use permit may be reviewed at any time by the Board of Zoning Appeals to determine compliance and remedial action taken if necessary. Violations of such conditions and safeguard, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under **Article II.**

**9.07 CONDITIONS FOR SPECIFIC CONDITIONAL USES**

The Board of Zoning Appeals shall review each proposed use in terms of the specific conditions listed for conditional uses in each district.

- A. Church, Public School, Private School, Public Facility, Institution. When any land is devoted to such uses as churches, schools, publicly owned and operated buildings, or uses of similar nature, a conditional use permit shall be secured from the Zoning Board of Appeals and said Board shall determine minimum area of land as well as appropriate set back restrictions to be required. Such restrictions shall not be less than residential requirements and shall conform to applicable County Board of Health or other County and State regulations for such uses.
- B. Recreation Facility.
1. All structures, parking, loading, storage, play and recreation areas, and other uses shall be located at least one hundred (100) feet from all property lines unless otherwise approved in the conditional use permit.
  2. Loudspeakers which cause a hazard or annoyance shall not be permitted.
  3. Unless otherwise approved in the conditional use permit, no curb cut shall be located closer to a road intersection than two hundred (200) feet.
  4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual or to the community in general.
  5. A private outdoor recreation facility may include facilities for the sale of associated equipment, food, and refreshments, provided that these associated uses are clearly incidental and accessory to the principal use. The extent of such accessory use shall be as approved in the conditional use permit.
  6. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual or to the community in general.
- C. Cemetery.
1. No mausoleum or crematory shall be located less than two hundred (200) feet from adjacent property and/or street lines.
  2. Any new cemetery shall contain a minimum of twenty (20) acres
- D. Radio stations and towers, not including telecommunications towers, and independent structures over thirty five (35) feet in height used for electronic reception or transmission; also any structure used for such purpose;

Article IX:  
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- E. Telecommunications Tower. As provided in the Ohio Revised Code, any telecommunications tower proposed to be established in a Residential district, and for which the Board of Trustees sends written notice to the person proposing to construct the tower, shall be subject to the provisions of this Article including the following requirements:
1. An application for a wireless telecommunication facility which includes a new tower shall include:
    - a. A site plan indicating all existing and proposed buildings within 300 feet of the proposed tower
    - b. A landscaping plan to screen the facility from adjacent uses
    - c. Information regarding the proposed service area for the facility and the necessity or demonstrated need for the proposed location
    - d. Information regarding the feasibility of collocation on an existing tower
    - e. An elevation drawing of the proposed tower
    - f. A statement that the applicant will reasonably make space available on the tower for collocation by other providers
  2. Tower shall be of monopole design only and shall be painted or colored to camouflage or minimize its visibility unless otherwise required by federal law. Tower shall not bear advertising and shall not be illuminated unless required by federal law.
  3. Tower shall be designed and certified by a registered design professional.
  4. The maximum height shall be 150 feet unless a variance for greater height is granted by the Board of Zoning Appeals based upon showing of necessity to provide communication service. The maximum height of any roof-mounted antenna shall be 20 feet above the roof.
  5. Tower shall be located a distance from all property lines equal to at least one half the height of the tower. Facilities shall be secured by fencing surrounding the tower and equipment shelter.
  6. All equipment buildings and structures required or proposed as part of a wireless telecommunication facility, except the tower itself, shall conform to the height and setback requirements of the district.
  7. Obsolete or unused towers shall be dismantled and removed upon abandonment. Cessation of use for a period in excess of twelve (12) months shall constitute abandonment.
  8. A telecommunications tower shall not be permitted in a Residential district unless evidence demonstrates that (a) it is not feasible to provide service for the intended service area on sites in non-residential districts and (b) it is not feasible to provide service for the intended service area on another site in a residential district having lesser impacts on residential areas.
- F. Private Parking Lot. A parking lot to be used in conjunction with an abutting property or property directly across the street, provided the lot is to be used, at no charge, for the parking of motor vehicles of owner, employees, customers, patrons or guests of the person or firm controlling and operating the lot and any other conditions as required by the Board of Appeals.

**Article IX:  
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- G. Top soil Removal, subject to the following:
1. Every application granted a conditional use permit as herein provided, shall furnish a performance bond, to be in effect as long as the removal is in progress, of two thousand five hundred (\$2,500) dollars per acre with a minimum of five thousand (\$5,000) dollars to Green Township Trustees as a guarantee that such work will be done on a satisfactory manner.
  2. A reclamation plan shall include a substitute material that will support vegetation capable of self re-generation and plant succession.
  3. Applicants must designate approximate date of completion of reclamation.
  4. Reclamation shall be progressive with removal to prevent erosion.
- H. Airports, Aircraft Landing Field, Heliports.
1. Airports and Heliports may be permitted in Agricultural Districts subject to all requirements of the Federal Aviation Administration and the Ohio State Department of Aviation. This use shall be subject to the submission and approval of an operational development plan and issuance of a conditional use permit by the Zoning Board of Appeals.
  2. Aircraft Landing Fields. Aircraft landing fields may be permitted in Agricultural Districts subject to all requirements of the Federal Aviation Administration and the Ohio State Department of Aviation. This use shall be subject to the issuance of a conditional use permit by the Zoning Board of Appeals.
- I. Similar Use. An applicant may submit an application for a conditional use permit for a building or use which is not specifically listed as a permitted use or a conditional use in the district. The Board of Zoning Appeals shall determine if the proposed use is a similar use which shall be conditionally permitted in the district. In making the determination, the Board shall consider the following:
1. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district or of a conditional use or uses already existing in the district; and whether the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district;
  2. Whether the establishment of the use in the district will significantly alter the nature of the district;
  3. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district; and
  4. Whether the use typically requires site conditions or features, building bulk or mass, parking, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.



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Article X:  
Appeals

## Article X: APPEALS

- 10.01 Duties on Matter of Appeal
- 10.02 Appeals
- 10.03 Stay of Proceedings
- 10.04 Variances
- 10.05 Supplementary Conditions and Safeguards
- 10.06 Public Hearing by the Board of Zoning Appeals
- 10.07 Resubmittal of Variance Request
- 10.08 Appeal to Court

### 10.01 DUTIES ON MATTER OF APPEAL

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of consideration and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and changes as stated in this Resolution. Any appeal from the decision of the Board of Zoning Appeals shall be made within ten (10) days from the date of the Board decision.

### 10.02 APPEALS

- A. Appeals to the Board of Zoning Appeals concerning interpretation of administration of this Resolution may be taken by any person aggrieved or affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals, all the papers constituting the record upon which the action appealed from was taken. The fee for the filing of an appeal shall be established by the Board of Township Trustees.
- B. Application Required. A variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a variance is submitted to the Zoning Inspector and the Board containing:
  - 1. Name, address, and phone number of applicants;
  - 2. Legal description of property;
  - 3. Description of nature of variance requested; and
  - 4. A narrative statement demonstrating that the requested variance conforms to the standards in **Section 10.04**.

### 10.03 STAY OF PROCEEDINGS:

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Appeals after the notice of

appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by 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 from whom the appeal is taken on due cause shown.

#### 10.04 VARIANCES:

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this Resolution as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings, in the same district and no permitted or non-conforming use of land, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

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

1. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
4. Whether the variance will adversely affect the delivery of governmental services.
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the property owner's predicament can be obviated through some method other than a variance.
7. Whether the spirit and intent of the Ordinance will be observed and substantial justice done by granting the variance.
8. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

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

1. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
2. Whether the variance is the minimum variance which will afford relief to the property owner.

**Article X:  
Appeals**

3. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
  4. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
  5. Whether the hardship condition was created by actions of the applicant.
  6. Whether the spirit and intent of the Zoning Ordinance will be observed and substantial justice done by granting the variance.
  7. Whether the use requested is similar in character to the permitted uses in the subject district.
  8. Whether the subject property is adequate to meet the needs and requirements of the proposed use.
- C. A variance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards listed in either Section 10.04A or 10.04B, as applicable, have been met.

**10.05 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:**

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

**10.06 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS:**

The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for an appeal, variance or a conditional use. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township, at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal, variance or conditional use. A written notice of such hearing shall also be mailed by the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of said hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspaper. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove with supplementary conditions or disapprove the request.

**10.07 RESUBMITTAL OF VARIANCE REQUEST**

Before a property may be resubmitted for a variance request there shall be a waiting period of one (1) year from date of prior application.

**10.08 APPEAL TO COURT**

Any person or persons jointly or severally adverse to the decision of the Board of Appeals may appeal to the Court of Common Pleas of Mahoning County. Such appeal must be presented to the Court within ten (10) days after the date on which the Board issues the decision. The court may affirm, reverse, vacate or modify the decision complained of in the appeal.

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Article XI:  
Nonconformities

## Article XI: NONCONFORMITIES

- 11.01 Purpose
- 11.02 Nonconforming Use
- 11.03 Nonconforming Structure
- 11.04 Nonconforming Lot
- 11.05 Completion of Approved Construction
- 11.06 Jurisdiction

### 11.01 PURPOSE

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

### 11.02 NONCONFORMING USE

- A. Continuation of Lawful Nonconforming Use. The lawful use of any building or land at the time of the enactment of this Resolution may be continued although such use does not conform to the provisions of this Resolution for the district in which such nonconforming building or use is located, subject, however, to the provisions of this **Article XI**.
- B. Discontinuance or Abandonment. Where a nonconforming use has been discontinued for a period of two (2) years, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this resolution. A nonconforming use which has been abandoned shall not be replaced by another nonconforming use. A nonconforming use shall be deemed abandoned when the use has been replaced by a conforming use.
- C. Change in Use. Once changed to a conforming use, no building, land, or other structures shall be permitted to revert to a non-conforming use. A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is compatible with or in less conflict with the character and permitted uses of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.
- D. Displacement. Except as provided in **Sections 11.02E and 11.03A** below, no nonconforming use shall be extended to displace a conforming use.
- E. Enlargement of Use. A nonconforming use may be altered or enlarged to extend the area of such use to a total area not to exceed ten percent (10%) more than the legally existing area of the use, provided that the alteration or enlargement shall otherwise comply with

the current regulations of the district in which it is located. Provided, however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties or the community.

### 11.03 NONCONFORMING STRUCTURE

- A. Alterations or Enlargements. A nonconforming structure may be altered or enlarged to extend such structure to a total area not to exceed ten percent (10%) more than the existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations of the district in which it is located.
- B. Restoration of Damaged Structure. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided that not more than fifty percent (50%) of the value of the structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity except as permitted in Section 11.03A above. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming with these Regulations.
- C. Unsafe Structures. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a nonconforming structure declared unsafe by a proper authority.
- D. Repairs and Maintenance. Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

### 11.04 NONCONFORMING LOT

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

### 11.05 COMPLETION OF APPROVED CONSTRUCTION

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

**Article XI:  
Nonconformities**

**11.06 JURISDICTION**

- A. Whenever an application is submitted to the Zoning Inspector for a zoning permit for: a use or structure which displaces a nonconforming use or structure; for the use of a nonconforming lot in a manner which is in compliance with the provisions of this Zoning Resolution; or for an alteration to a dwelling which does not increase the nonconformity of the dwelling, the Zoning Inspector shall take action upon the application as provided for any zoning permit.
- B. Except as provided in **Section 11.06A above**, whenever an application is submitted to the Zoning Inspector for a zoning permit for the alteration, expansion, substitution, reconstruction, or replacement of a nonconforming use or of a nonconforming structure, or for a use or construction upon a nonconforming lot, the land owner shall submit the application to the Zoning Board of Appeals for review and action. The Board shall, within ninety (90) days after the date the application is submitted, take action to direct the Zoning Inspector to issue or deny the application.
- C. The Zoning Board of Appeals shall have the authority to establish such reasonable conditions and requirements as it deems necessary to carry out the purposes of this Zoning Resolution. Such reasonable conditions and requirements may include but are not limited to: regulation of the locations and dimensions of uses and structures; regulation of the manner and times of operation of the use; requirements for architectural and landscaping design features including necessary buffer features; requirements for fees or exactions necessary to mitigate the impacts of the approved changes in the nonconforming use or structure.



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Article XII:  
Riparian Setbacks

## ARTICLE XII - RIPARIAN SETBACKS

**Whereas**, flooding is a significant threat to property and public health and safety, and vegetated riparian areas lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of overbank flood flow; and,

**Whereas**, stream bank erosion is a significant threat to property and public health and safety, and vegetated riparian areas stabilize stream banks and provide resistance to erosive forces both within streams and on adjacent lands; and,

**Whereas**, the protection of riparian areas results in the presence of plants best suited to each individual environment along a stream, with proven capability for survival and regeneration at no cost; and

**Whereas**, vegetated riparian areas filter and trap sediments, chemicals, salts, septic discharge, and other pollutants from runoff and floodwaters, thus protecting surface and ground water quality; and,

**Whereas**, vegetated riparian areas can provide a dense tree canopy that helps to maintain and improve the stability of watercourse temperatures, thus protecting aquatic ecosystems, and helps to reduce the presence of aquatic nuisance species; and,

**Whereas**, the protection of riparian areas can result in a diverse and interconnected riparian corridor that provides habitat to a wide array of wildlife; and,

**Whereas**, the woody debris from fallen, damaged, and cut trees increases flood levels and damage to bridges in Green Township and neighboring communities; and,

**Whereas**, sedimentation of eroded soil adversely affects aquatic communities and incurs removal costs to downstream communities; and,

**Whereas**, there are watershed-wide efforts to minimize flooding and stream bank erosion in the Mill Creek, Meander Creek, and Mahoning River watersheds and to protect and enhance the water courses to which Green Township drains and their tributaries; and,

**Whereas**, the Alliance for Watershed Action and Riparian Easements (AWARE); the Eastgate Regional Council of Governments; the Mahoning County Engineer; the Mahoning Soil and Water Conservation District; the Ohio Environmental Protection Agency; and the U.S. Environmental Protection Agency recommend riparian setbacks as a valuable tool in an overall management program for flood risk reduction, erosion control, water quality control, and aquatic habitat protection; and,

**Article XII:  
Riparian Setbacks**

**Whereas**, studies undertaken by, and reviewed by, the Ohio Environmental Protection Agency and other independent scientific bodies recommend the minimum widths for riparian setbacks; and,

**Whereas**, the Zoning Commission and Board of Trustees of Green Township has reviewed and adopted the recommendations of the above government agencies, and the Zoning Commission and Board of Trustees of Green Township finds that in order to minimize encroachment on watercourses and the need for costly engineering solutions to protect structures and reduce property damage and threats to the safety of watershed residents; to protect and enhance the scenic beauty of the Green Township; and to preserve the character of Green Township, the quality of life of the residents of the Green Township, and corresponding property values, it is necessary and appropriate to regulate structures and uses within a riparian setback along the banks of designated watercourses in the Green Township; and,

**Whereas**, Section 519.02 of the Ohio Revised Code grants Township the legal authority to adopt land use measures for promoting the public health and safety, and general welfare of its citizens; and the Ohio Revised Code gives townships the legal authority of its citizens.

**Whereas**, 40 C.F.R. Parts 9, 1221, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities to develop a Storm Water Management Program to address the quality of storm water runoff during and after soil disturbing activities. The Mahoning County Storm Water Management Program was adopted on March 6, 2003.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of Green Township, County of Mahoning County, State of Ohio, that:

**Resolution – XII - Riparian Setbacks**, is hereby adopted to read in total as follows:

Article XII:  
Riparian Setbacks

## ARTICLE XII RIPARIAN SETBACKS

- 12.01 Purpose and Scope
- 12.02 Applicability, Compliance and Violations
- 12.03 Conflicts with Other Regulations and Severability
- 12.04 Definitions
- 12.05 Establishment of Designated Watercourses and Riparian Setbacks
- 12.06 Applications and Site Plans
- 12.07 Permitted Structures and Uses without Zoning Certificate
- 12.08 Permitted Structures and Uses with Zoning Certificate
- 12.09 Uses Prohibited in Riparian Setbacks
- 12.10 Non-Conforming Structures or Uses in Riparian Setbacks
- 12.11 Variances within Riparian Setbacks
- 12.12 Procedures for Variances and Appeals
- 12.13 Inspections of Riparian Setbacks
- 12.14 Penalty

### 12.01 PURPOSE AND SCOPE

It is hereby determined that the system of rivers, streams, and other natural watercourses within Green Township contributes to the health, safety, and general welfare of the residents of Green Township. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian areas to:

- A. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood Waters and regulating base flow.
- B. Assist in stabilizing the banks of watercourses to reduce bank erosion and the downstream transport of sediments eroded from watercourse banks.
- C. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
- D. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
- E. Provide watercourse habitats with shade and food.
- F. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
- G. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- H. Benefit Green Township economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents; and by contributing to the scenic beauty and Environment of Green Township, and thereby preserving the character of Green Township, the quality of life of the residents of Green Township, and corresponding property values.

The following regulation has been enacted to protect these services of riparian areas by providing

reasonable controls governing structures and uses within a riparian setback along designated watercourses in Green Township.

#### 12.02 APPLICABILITY, COMPLIANCE & VIOLATIONS

- A. This regulation shall apply to all lands that are within the jurisdiction of the Green Township and that border designated watercourses as defined in this regulation.
- B. No approvals or permits shall be issued by Green Township without full compliance with the terms of this regulation where applicable.

#### 12.03 CONFLICTS WITH OTHER REGULATIONS & SEVERABILITY

- A. Where this regulation imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract, or deed, the provisions of this regulation shall control.
- B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available there under, except as provided in Article 12.03 A of this regulation.
- C. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

#### 12.04 DEFINITIONS

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

**CAPTURED OR CHANNELIZED STREAMS:** Streams that are considered captured or channelized are those that are constructed in waters of the U.S. or connect two waters of the U.S., and they possess a defined ordinary high water mark (OWH), and they possess a defined channel and evidence of stream flow.

**COMMUNITY:** Throughout this regulation, this shall refer to Green Township or its designated representative.

**DAMAGED OR DISEASED TREES:** Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or on to a structure.

**DESIGNATED WATERCOURSE:** A watercourse within Green Township that is in conformity with the criteria set forth in this regulation.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.

**IMPERVIOUS COVER:** Any paved, hardened, or structural surface regardless of its composition, including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.

**NOXIOUS WEED:** Any plant species defined by the Ohio Department of Agriculture as a “noxious weed” and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of this regulation shall prevail.

**100-YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base

**Article XII:  
Riparian Setbacks**

flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

**OHIO ENVIRONMENTAL PROTECTION AGENCY:** Referred throughout this regulation as the "Ohio EPA."

**ORDINARY HIGH WATER MARK:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

**RIPARIAN AREA:** Naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

**RIPARIAN SETBACK:** The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.

**SOIL AND WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Mahoning County SWCD.

**SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, 50% of the market value of the structure before the damage occurred.

**WATERCOURSE:** Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended).

## **12.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS**

A. Designated watercourses shall include those watercourses meeting any one of the following criteria:

1. All watercourses draining an area greater than ½ square mile, or
2. All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, Green Township may consult with a representative of the Mahoning County SWCD or other technical experts as necessary, or
3. All previously natural watercourses that are channelized, enclosed by pipe, or captured.

B. Riparian setbacks on designated watercourses are established as follows:

1. A minimum of 120 feet on either side of all watercourses draining an area greater than 20 square miles and up to 300 square miles
2. A minimum of 75 feet on either side of all watercourses draining an area greater than ½ square mile and up to 20 square miles.

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3. A minimum of 25 feet on either side of all watercourses draining an area less than  $\frac{1}{2}$  square mile and having a defined bed and bank as determined by Green Township in Section C of this regulation.
- C. Riparian Setback Map. The Mahoning County Engineer's Office shall create a map identifying designated watercourses and their riparian setbacks. Said map is attached hereto and made part of this regulation and is identified as Exhibit A. The following shall apply to the Riparian Setback Map:
1. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
  2. It shall be a guide only.
  3. Nothing herein shall prevent Green Township from making additions, amendments, revisions or deletions to the Riparian Setback Map from time to time as may be necessary.
- If any discrepancy is found between the Riparian Setback Map and this regulation, the criteria set forth in *Section 12.05 A and B above* shall prevail.

## 12.06 APPLICATIONS AND SITE PLANS

- A. The applicant shall be responsible for delineating riparian setbacks as required by this regulation, and shall identify such setbacks on a site plan included with all subdivisions, land development plans, and/or zoning permit applications submitted to Green Township. The site plan shall be prepared by a professional engineer, as determined by Green Township and shall be based on a survey of the affected area. Two copies of the site plan shall be submitted. The site plan shall include the following information:
1. The boundaries of the lot with dimensions.
  2. The locations of all designated watercourses.
  3. The limits, with dimensions, of riparian setbacks.
  4. The existing topography at intervals of two feet.
  5. The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relation to all designated watercourses.
  6. North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
  7. Other information may be necessary for Green Township to ensure compliance with this regulation.
- B. Green Township may, in reviewing the site plan, consult with the Mahoning County SWCD or other experts. The site plan shall not take the place of soil erosion and sedimentation control plan or a storm water pollution prevention plan.
- C. If soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian setback, the riparian setback as specified in this regulation, the riparian setback shall be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.
- D. No approvals or permits shall be issued by Green Township prior to identification of riparian setbacks on the affected land in conformance with this regulation.

**Article XII:  
Riparian Setbacks**

**12.07 PERMITTED STRUCTURES AND USES WITHOUT ZONING CERTIFICATE**

The following structures and uses are permitted in the riparian setback without a zoning permit. Open space uses that are passive in character shall be included in the Riparian Setback including, but not limited to those listed A through D of this Article. No structures or uses permitted under this regulation shall allow trespass on, or public access to, privately held lands.

- A. Recreational Activity. Hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.
- B. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.
- C. Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.
- D. Water Supply Wells. Water supply wells for the purpose of serving permitted structures or uses on lots shall be allowed.

**12.08 PERMITTED STRUCTURES AND USES WITH ZONING CERTIFICATE**

The following structures and uses may be permitted in a riparian setback, subject to the approval of an application for a zoning certificate by the Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this zoning ordinance. When granting Zoning Certificates, for the following uses, the Zoning Inspector may, for good cause, attach such conditions as appropriate. Certificates issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

- A. Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be designed by a professional engineer and only be undertaken upon approval of a Crossing Plan by the Green Township Zoning Inspector. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Green Township. Proof of compliance shall be the following:
  - 1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
  - 2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
  - 3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.
- B. Stream bank Stabilization Projects. Stream bank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles. Such stream bank stabilization measures shall only be undertaken upon approval of a Stream bank Stabilization Plan by the Zoning Inspector. If stream bank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State



**Article XII:  
Riparian Setbacks**

Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Green Township. Proof of compliance shall be the following:

1. A site plan showing that any proposed crossing conforms to the general and specific conditions of Nationwide Permit 13, or
2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or,
3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

### **12.09 USES PROHIBITED IN RIPARIAN SETBACKS**

Any use not authorized under this regulation shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

- A. Construction. There shall be no buildings or structures of any kind.
- B. Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.
- C. Fences and Walls: There shall be no fences or walls except as permitted under this resolution.
- D. Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.
- E. Motorized Vehicles. There shall be no use of parking, or storage of motorized vehicles, except as permitted under this regulation.
- F. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within riparian setbacks except for the following:
  1. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
  2. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.
  3. Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.
- G. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, or loading/unloading spaces.
- H. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system in accordance with local health district regulations.
- I. Storm Water Retention and Detention Facilities. Riparian setbacks shall not be used for storm water retention and detention facilities.

### **12.10 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS**

Non-Conforming structures and uses will be governed by Article XI – Non-Conformities, Section 11.02.

**Article XII:  
Riparian Setbacks**

**12.11 VARIANCES WITHIN RIPARIAN SETBACKS**

- A. The Board of Zoning Board of Appeals may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:
1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
  2. The Board of Zoning Appeals may not authorize any structure or use in a zoning district other than those authorized in the Zoning Resolution.
  3. Variances shall be void if not implemented within one (1) year of the date of issuance.
- B. In making a determination under *Section 12.11 A* of this regulation, the Board of Zoning Appeals may consider the following:
1. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain.
  2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.
  3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.
  4. Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.
  5. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to the Green Township. Variances should not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for gravel driveways when necessary.
  6. Whether a property, otherwise buildable under the ordinances of Green Township, will be made unbuildable because of this regulation.
- C. In order to maintain the riparian setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variations to other area or setback requirements imposed on a property by the Zoning Resolution.
- D. In granting a variance under this regulation, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation.

**12.12 PROCEDURES FOR VARIANCES AND APPEALS**

Any applicant seeking a variance to the conditions imposed under this regulation or an appeal to an administrative decision made under this regulation, follow procedures set forth in Article II, Section 2.01, and 2.05, and Article X, Sections 10.01, 10.04 and 10.06 of the Zoning Resolution.

**12.13 INSPECTIONS OF RIPARIAN SETBACKS**

- A. The identification of riparian setbacks shall be inspected by Green Township.
- B. Prior to soil disturbing activities authorized under this regulation, the applicant shall provide Green Township with at least fifteen (15) days notice prior to starting such soil disturbing activities.
- C. An inspection may occur any time evidence is brought to the attention of Green Township that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.

**12.14 PENALTY**

- A. Any person who shall violate any section of this regulation shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to punishment as provided in Section 519.23 and 519.99 of the Ohio Revised Code, and shall be required to restore the riparian setback through a restoration plan approved by the Board of Zoning Appeals.
- B. The imposition of any other penalties provided herein shall not preclude Green Township from instituting an appropriate action or proceeding in a Court of proper jurisdiction, pursuant to Section 519.24 of the Ohio Revised Code, to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or orders of the Green Township Zoning Inspector.

## Definitions

## ARTICLE XIII

# EROSION AND SEDIMENT CONTROL (ESC)

### 13.01 Purpose and Intent

### 13.02 Words and Terms Defined

### 13.03 Requirements and Application Procedures

### 13.04 Compliance with State and Federal Requirements

### 13.05 Lakes, Ponds and Manmade Bodies Of Water

## 13.01 PURPOSE AND INTENT

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

## 13.02 WORDS AND TERMS DEFINED

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

## 13.03 REQUIREMENTS AND APPLICATION PROCEDURES

- A. Two (2) sets of an Erosion and Sediment Control (ESC) Plan shall be included with the application for a zoning certificate for any of the principal permitted, accessory, or conditional buildings, structures, and uses or off-street parking, loading/unloading areas allowed by this resolution and any additions or alterations thereto.
- B. ESC Plans are not required for any principal permitted, accessory, or conditional buildings, structures, or uses or off-street parking, loading/unloading areas allowed by this resolution or any additions or alterations thereto disturbing less than one (1) acre of land area.
- C. The contents of the ESC Plan shall meet all requirements and recommendations for erosion and sediment control contained in the most recent version of the Mahoning County Erosion and Sediment Control Rules.
- D. If the lot owner is required to prepare a Storm Water Pollution Prevention Plan (SWP3) in accordance with the Ohio Environmental Protection Agency's (EPA) NPDES Permit No. OHC000002, or the most recent version thereof, this SWP3 may be submitted in lieu of a separate ESC Plan. In situations of conflict between OEPA requirements and these regulations, the most restrictive shall prevail.

## Definitions

- E. The zoning inspector shall review the ESC Plans submitted under this resolution and approve for compliance or return for revisions with comments and recommendations for revisions within twenty (20) working days after receipt of the Plan. The zoning inspector shall advise applicants that the ESC Plan may be forwarded to the Mahoning County Engineers and Mahoning SWCD for technical assistance and review. A disapproved Plan shall receive a narrative report citing specific problems and procedures violated and the procedures for filing a revised Plan to ensure compliance with the Mahoning County Erosion and Sediment Control Rules. At the time the zoning inspector receives a revised Plan, another thirty (20) day review period shall begin.
- F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning accordance with these regulations.
- G. Any addition or alteration to the site design as shown on the approved ESC Plan may require the resubmission of said Plan in accordance with these regulations. In making a determination regarding such resubmission, the zoning inspector may consult with the Mahoning County Engineers and/or Mahoning SWCD. The zoning inspector shall determine if any addition or alteration requires the issuance of a new zoning certificate or conditional zoning certificate.

**13.04 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS**

- A. Approvals issued in accordance with these regulations do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from federal, state, and/or county agencies. Such permits and/or approvals shall be obtained before any zoning certificate or conditional zoning certificate is issued. If requirements vary, the most restrictive requirement shall prevail.
- B. Soil-disturbing activities regulated under these regulations shall not begin until all necessary state and federal permits have been granted to the lot owner. These permits may include, but are not limited to, the following:
  - 1. Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the lot owner explaining why the NPDE Permits not applicable.
  - 2. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the Ohio EPA and U.S. Army Corps of Engineers at the time of application of this regulation.
  - 3. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval or a letter from the lot owner verifying that a qualified professional has surveyed the lot and found no waters of the State. Such a letter shall be noted on site plans submitted to the zoning inspector. Isolated wetlands shall be delineated by protocols accepted by the Ohio EPA at the time of application of these regulations.

**Definitions**

4. Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the lot owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
  - a. A letter from the lot owner verifying that a qualified professional has surveyed the site and found no waters of the United States. Such a letter shall be noted on site plans submitted to the zoning inspector.
  - b. A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of these regulations.
5. Ohio Dam Safety Law: Proof of compliance shall be a copy of the Ohio Department of Natural Resources (ODNR) Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the lot owner or a qualified professional explaining why the Ohio Dam Safety Law is not applicable.

**13.05****LAKES, PONDS AND MANMADE BODIES OF WATER**

- A- All ponds, lakes or man-made bodies of water exceeding one hundred (100) Sq. Ft., require a zoning permit.
- B- All ponds, lakes or man-made bodies of water constructed on parcels three (3) acres and under are prohibited.
- C- All ponds, lakes or man-made bodies of water constructed on parcels three (3) to five (5) acres require a variance.
- D- All ponds, lakes or man-made bodies of water may require the approved installation of a Dry Hydrant if it is deemed practical by the Green Township Fire Department. Written verification from the Fire Department, obtained by the applicant is required before issuance of permit.
- E- All ponds, lakes or man-made bodies of water must comply with the Ohio Administrative Code Sections 1301 and 1501 pertaining to construction and drainage.
- F- They must have a site drawing by a licensed Ohio Civil Engineer, paid for by the applicant. All ponds, lakes or man-made bodies of water must be constructed so that the high water level is at least (50) fifty feet from all property lines and any disturbed ground used in the construction must be (25) twenty five feet from all property lines.

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**Definitions****ARTICLE XIV****WIND TURBINES –TOWERS-ANEMOMETER**

14.01 Purpose and Intent

14.02 Words and Terms Defined

14.03 Requirements and Application procedures

**14.01 PURPOSE AND INTENT**

Windmills and an anemometer. The purpose of this section is to establish general guidelines for the location of Wind Turbine Generator (WTG) and anemometer towers. The Township recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit placement of WTG in certain area of the Township. The Township also recognizes the need to protect its scenic beauty from unnecessary and unreasonable visual interference, noise radiation, and any negative health, safety; welfare and aesthetic impacts upon adjoining and neighboring uses that could or may be created by the WTG. As such, this section seeks to:

- A. Protect residential and agricultural areas from potential adverse impact of WTG.
- B .Permit WTG in selected areas, subject to the terms, conditions and provisions hereof:
- C. Insure the public health, welfare and safety of the Township's residents in connection with WTG, and;
- D. Avoid potential damage to real and personal property from the WTG or anemometer towers or the failure of such structures and related operations.

**14.02 DEFINITIONS**

To facilitate the reading of this article, the following definitions are incorporated into this article:

- A. ANEMOMENTOR: An instrument for measuring and recording the speed of WIND.
- B. ANEMOMENTER TOWER: A structure, including all accessory facilities, temporarily erected for no more than (2) years, on which an anemometer is mounted for the purpose of documenting whether a site has wind resources sufficient for the operation of a WTG
- C. APPLICANT: The entity or person who submits to the Chairman of the Green Township Zoning Board of Appeals an application of a conditional use for a WTG or anemometer tower.
- D. NATURAL AMBIENT NOISE LEVEL: The normal and predominate noise level absent \ from any agricultural any industrial or commercial noise radiation, excluding any noise resulting operations.
- E. PROFESSTIONAL ENGINEER A qualified individual who is licensed as a Professional Engineer by the State of OHIO.
- F. SHADOW FLICKER: A moving shadow cast by blades of a WTG onto residences' or roadways.



## Definitions

- G. **WIND TURBINE GENERATOR:** A tower, pylon, or other structure, including all Accessory facilities, upon which any, all or some combination of the following are mounted:
- 1 A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor For the purpose of converting wind into electrical or mechanical energy.
  - 2 A shaft, gear, belt, or coupling devise used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing devise.
  - 3 A generator, alternator, or other devise used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- H. **WTG HEIGHT:**
1. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WTG, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the WTG.
  2. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point Of the WTG.

**14.03 REQUIREMENTS FOR A CONDITIONAL USE PERMIT:**

- A. Any proposed construction or erection of a WTG or anemometer shall be permitted by issuance of a conditional use permit per Article XIII of the Zoning Resolution.
- B. In addition to the requirements set forth in Article XIII of the Zoning Resolution, every application for conditional use for a WTG or anemometer permit shall include the following information:
1. A location map to scale of all structures within ½ mile radius from the proposed location of the WTG.
  2. One or more detailed computer or photographic simulations showing the proposed WTG and accessory structures
  3. A separate application for a conditional use permit shall be submitted each proposed WTG or anemometer tower.
  4. A copy of written notification to the Federal Aviation Administration.
  5. Each application for conditional use shall be accompanied by a report from a licensed engineer documenting that the proposed WTG system will meet all the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with clear fall zone, and that it has appropriate speed controls.
  6. An emergency response plan with a copy submitted to the Green Township Volunteer Fire District.
- C. WTG and anemometer towers shall comply with all of the following standards as a requirement for conditional use permit to be issued.
1. Minimum Area The minimum area for a WTG or anemometer tower to be erected is three (3) acres.
  2. Maximum Height The maximum height of a WTG or anemometer tower height from the base to the tip of the blade at its highest point shall not exceed 150 feet.
  3. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created

**Definitions**

by rotating wind vanes or the blades on a WTG shall be no less than 80 feet measured from the highest point of the terrain within one blade radius from the base of the tower

4. Fall Zone. In order to provide for a clear safe fall zone in the event of a structural failure, there shall be a minimum distance of at least 1.2 times the height of the tower and blades from any property line, electrical transmission line, gas well, public or private road or structure. In addition, the fall zone shall be fully encompassed within the owner's property.
5. Maximum Noise Levels The audible noise radiation due to a wind turbine operations shall not be created which causes the noise at the property line of the proposed site to exceed (30) dB(A) for any time period out of any (1) hour time periods or to exceed (35) dB(A) for any time period; provided however, if the Natural Ambient Noise Level without the WTG is greater than (30) dB(A), the audible noise radiation shall not exceed (5) dB(A) above the Natural Ambient Noise Level. A WTG shall not be operated so that impulsive sound below 20 HTZ adversely affects the habitability or use of any dwelling unit, hospital, school, nursing home, or other sensitive noise receptor.
6. Maximum Vibrations. Any proposed WTG shall not produce humanly perceptible vibrations beyond the property line on which it is located.
7. Transmission Lines. All electrical transmission lines connecting any WTG to the public utility electricity distribution system shall be located under ground.
8. Access. Access to any WTG or anemometer shall be no less than (20) feet above the ground.
9. Technical Requirements. Any WTG or anemometer shall meet or exceed any standards and requirements of the FAA, the Public Utilities Commission of Ohio, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate WTGs or other tall structures in effect at the time the conditional permit is applied.
10. Aesthetics and Lighting.
  - a. Each WTG or anemometer tower shall be maintained and there shall be no visible signs of corrosion.
  - b. Each WTG or anemometer shall not be artificially lighted, unless required by the FAA or other applicable government authority.
  - c. Each WTG or anemometer tower shall be a monopole on monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guides wires.
  - d. The WTG shall be designed to counter the effects of shadow flicker on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
- 11 Sign A sign no more than two (2) square feet in area displaying an address and phone number for emergency calls and information inquires shall be posted at the base on the proposed WTG. No WTG or anemometer or site shall include advertising device.
12. Maintenance. The owner or operator of the WTG shall furnish an operation and Maintenance report to the township on an annual basis by a WTG professional./

**14.04 REMOVAL OF ABANDONED WTG OR ANEMOMETER TOWERS**

Any WTG or anemometer that has not been operated for a continuous period of six(6) months Shall be considered abandoned, and may be declared unsafe and structurally defective.

Thereafter, the owner of such WTG or anemometer tower shall remove the same within ninety (90) days of receipt of notice from the Township. In addition to removing theWRG or anemometer tower, the owner shall restore the site to its original condition. Any foundation

Associated with a WTG or anemometer tower shall be totally removed and the site restored original state including the planting of grass or cover crops, which may have present prior to construction. Any and all transmission equipment, building and fences shall also be removed.

Failure to remove abandoned WTG or anemometer tower within ninety (90) day period provided in this subsection or in the event that the land owner or operator of theWTG or anemometer tower is no longer financially capable, or fails to respond to mail sent to his last known address on file with the Township, shall be grounds for the Township to remove theWTG or anemometer tower, structures and all associated equipment or appurtenances at the owner's expense. The Township shall proceed with the collection of such costs and expenses associated with the abatement of the WTG or anemometer tower in accordance with the Ohio Revised Code Section 508.86, including the certification of such costs and expenses with the county auditor and the placement of a lien on the property. The Township may sell any salvageable material and than deduct the proceeds against the balance due for such costs and expenses of removal.

## Definitions

## APPENDIX A DEFINITIONS

**RULES OF CONSTRUCTION:** The following shall be applicable to all provisions of this Resolution.

- A. Words used in the present tense shall include the future tense.
- B. The singular number shall include the plural. The plural number shall include the singular.
- C. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- D. The word “structure” shall include the word “building”.
- E. The word “used” or “occupied” shall include the words “arranged, designed, constructed, altered, converted or intended to be used or occupied”.
- F. A “person” shall mean, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings.
- G. The word “herein” means “this Resolution”.
- H. The provisions of this Resolution shall be construed to achieve the purposes and intent for which they are adopted.
- I. Nothing in this Resolution is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the provisions of this Resolution are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction, or other private agreement, the requirements of this Resolution shall govern.
- J. In the event of a conflict between the text of this Resolution and any caption, figure, illustration, table, or map, the text of this Resolution shall control. In the event of any conflict between a chart and an illustration, the chart shall control. All illustrations included in this Resolution are for illustrative purposes only.
- K. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- L. An act authorized by this Resolution to be carried out by a specific official or agency of the Township is impliedly authorized to be carried out by a designee of such official or agency.
- M. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
- N. Any reference to the Ohio Revised Code or to other state or federal statutes or rules or those of other agencies have jurisdiction shall be construed to be a reference to the most recent enactment of such statute or rule, and shall include any amendments as may from time to time be adopted.

**DEFINITIONS:** Certain terms or words used herein shall be constructed or defined as follows:

**“A” Definitions**

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

**AGRICULTURE:** Use of land for farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to such husbandry or production. The above uses shall not include the feeding and sheltering of animals, exclusive of domesticated household pets, within one hundred (100) feet of an adjacent residential dwelling.

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

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

**ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**ANIMALS, TERMS RELATING TO:**

- a. **“Exotic animal”** means an animal normally found in the wild state, whether or not indigenous to Green Township, but not including domestic animals or household pets.
- b. **“Domestic animal”** means generally accepted outdoor farm animals including, but not limited to horses, cows, llamas, sheep, goats, hogs, mink, or fowl.
- c. **“Household pet”** means any animal commonly kept inside a residence, such as a dog or cat.

**AUTO WASH:** A permanent facility for washing the exterior of vehicles by machine, by employees of the business, or by customers and may include facilities for waxing, drying, or vacuuming vehicles. An auto wash is a drive-thru facility.

**“B” Definitions**

**BED AND BREAKFAST INN:** A dwelling which:

- a. is the permanent residence of the owner and operator; and
- b. contains no more than five (5) guest rooms; and
- c. provides lodging for guests for a period of less than two (2) weeks per guest for compensation; and
- d. has one kitchen used to provide breakfast for the guests, but no other meals are provided.

**Definitions**

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

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

- a. **BUILDING, ACCESSORY:** A subordinate building, the use of which is customarily incidental to that of the main building and which is located on the same lot or parcel of land.
- b. **BUILDING, PRINCIPAL OR MAIN:** The building housing the principal activity conducted on a lot.
- c. **BUILDING FRONT LINE OF:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches if enclosed, but does not include steps.
- d. **BUILDING, HEIGHT OF:** The vertical distance measured from the highest ground level at the structure to the highest point of the structure, excluding chimneys, vent stacks, satellite earth station dishes, and antennae.

**BUSINESS SERVICES:** Any activity conducted for gain which renders services primarily to other business or manufacturing enterprises, or which services and repairs appliances and machines used in homes or business. The meaning of the phrase “business service” shall not include a business service which is otherwise specifically defined or more stringently regulated by this Zoning Code. Business services include but are not limited to:

- a. Advertising and marketing
- b. Collections and credit
- c. Mailing, copying, photography, stenography, graphic arts
- d. Cleaning, maintenance, pest control
- e. Equipment rental, leasing, repair
- f. Employment agencies
- g. Computer programming, data processing

**“C” Definitions**

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

**CAMPGROUND:** A lot on which facilities such as drives, graded campsites, restrooms and wash facilities are established for the purpose of permitting temporary or permanent occupancy in tents, trailers, recreational vehicles, or other temporary or mobile quarters or structures, typically for a fee or other consideration and operated on a seasonal basis or for purposes related to activities or events such as sport, racing, art and craft shows, and the like.

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

**CHILD DAY CARE:** terms relating to:

## Definitions

- a. **CHILD DAYCARE:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child daycare facilities:
- b. **CHILD DAYCARE CENTER:** Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- c. **CHILD DAYCARE, TYPE A:** A permanent residence of the administrator in which child daycare is provided for seven (7) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- d. **CHILD DAYCARE, TYPE B:** A permanent residence of the administrator in which child daycare or child daycare services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

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

**COMPREHENSIVE PLAN (LAND USE PLAN):** A plan, or any portion thereof, recommended by the Planning Commission and adopted by the Mahoning County Commissioners, showing the general location and extent of present and proposed physical facilities including: housing, industrial, and commercial uses, major thoroughfares, parks, schools and other facilities. This plan establishes the goal, objectives and policies of the community in order to promote better land use.

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**Definitions**

**CONDITIONAL USE:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Permit for said use to be issued by the Zoning Inspector when approved by the Board of Zoning Appeals. **ALL CONDITIONAL USES MUST COMPLY WITH THE REQUIREMENTS OF ARTICLE IX OF THIS ZONING RESOLUTION.**

**“D” Definitions**

**DENSITY:** A unit of measurement being the number of dwelling units per acre of land.

**DISTRICT:** A part, zone, or geographic area within Green Township within which certain zoning or development regulations apply. Boundaries of the districts are shown on the Zoning Map, which is part of this Zoning Resolution.

**DRIVE-THRU FACILITY:** Any use which involves sales or services to customers in or on vehicles or a facility where vehicles are lined up or queued for service such as washing or oil change. Examples of drive thru facilities include drive up food windows at restaurants, drive up bank tellers, drive up ATMs (Automatic Teller Machines), book or videotape dropoffs, auto wash, and parcel or material pick up facilities for retail businesses.

**DWELLING:** A building which contains one or more dwelling units. The term “dwelling” includes traditional “site built” dwellings and permanently sited manufactured homes. The term “dwelling” does not include a recreational vehicle or a mobile home as defined herein and does not include a hotel, motel, or other building used for transient residents. All dwellings shall comply with the requirements of [Section 4.06H](#).

- a. **DWELLING UNIT:** One or more rooms within a building arranged, intended, designed and equipped for independent occupancy by a family, or by an individual or a group of individuals, for living and sleeping purposes and containing cooking, bathing, and toilet facilities for the exclusive use of the occupants. A room or rooms or structure which does not comply with or has not been approved according to the occupancy regulations of the building and health codes effective in Green Township shall not be deemed a dwelling unit.
- b. **DWELLING, ONE-FAMILY (SINGLE FAMILY):** A building containing only one dwelling unit. Except where specifically described and permitted as an “attached one-family dwelling”, a one-family dwelling shall be completely detached and not physically connected to any other dwelling
- c. **DWELLING, TWO-FAMILY:** A building containing two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. The term does not include attached single family dwellings.
- d. **DWELLING, MULTIPLE:** A building containing three (3) or more dwelling units. The term does not include attached single family dwellings
- e. **DWELLING, ATTACHED SINGLE FAMILY:** A single family dwelling which is structurally attached at its side or sides to one or two other one family dwellings, separated from the attached dwellings by a party wall extending from the basement floor to the roof without openings,



## Definitions

- and having a separate ground floor entrance, separate service connections, and an attached garage.
- f. **DWELLING, INDUSTRIALIZED UNIT:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placements, and including a modular or sectional unit, but not a manufactured home as defined by **Ohio Revised Code 4501.01**.
- g. **HOUSE TRAILER/MOBILE HOME:** Any self-propelled or non-self-propelled vehicle so designed, constructed, or added to by means so accessories in such manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation other than such vehicles which may be defined as recreational vehicle.
- h. **MANUFACTURED HOME:** A factory built single family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, The National Home Construction and Safety Standards Act, is transportable in two (2) or more sections, is used as a place of human habitation, but which is not constructed with a permanent hitch or other devise allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**“E” Definitions****“F” Definitions**

**FAMILY:** One or more persons occupying a single family dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over three (3) persons.

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

**FENCE DECORATIVE:** A structure not separating areas of land but erected only to enhance appearance of property.

**FINANCIAL SERVICES:** Establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

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

**FUEL STATION:** The retail sale and dispensing of fuel or oils into vehicles.

**G” Definitions**

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

**Definitions**

- a. Not more than one space is rented for parking to persons not residing on the premises.
- b. Repair work is limited to the normal maintenance of vehicles owned by the person or persons residing on the premises.
- c. No more than one (1) commercial vehicle per dwelling unit is parked or stored.

**“H” Definitions**

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

**HOME FOR THE ELDERLY:** Residential facilities, such as a nursing home, rest home, assisted living facility, or independent living facility, designed for and restricted to occupancy by persons aged 62 years or older. Home for the Elderly is not included in the meaning of the term “Institution”, which is separately defined.

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

**“I” Definitions**

**INSTITUTION:** Buildings and/or land owned and operated for a public, non-profit, or religious purpose by a federal, state, or local government, public or private utility, church, public agency, or tax-exempt organization, but not including uses separately defined and specifically listed as permitted or conditional uses in one or more districts, such as church, home for the elderly, special residential facility, school, day care, and other uses.

**“J” Definitions**

**JUNK YARDS:** Land or structure used for the collecting, storage, processing and sale of scrap metal, an excess of two (2) abandoned motor vehicles not displaying a current motor vehicle license, parked or stored primarily for the purpose of collecting worn out inoperative parts, dismantling and selling same; or the collection and/or storage of machinery, equipment, waste paper, glass, rags, containers and other discard materials. It shall not include, however, refuse and garbage kept in a proper container for the purpose of prompt disposal.

**“K” Definitions**

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

**“L” Definitions**

**LANDFILL:** A disposal site employing a method of disposing of solid waste in accordance with the current Ohio Revised Code Regulations.

**LIVABLE FLOOR AREA, MINIMUM:** The sum of the net areas customarily used as living space. This area shall not include a basement, garage, open port, deck and/or uncovered steps.

## Definitions

**LOGGING AND/OR TIMBER CUTTING:** To cut into logs, slabs, or other by products, to cut down trees, to gather timber.

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

- a. **LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines measured generally parallel with the side lot lines.
- b. **LOT, FRONTAGE OF:** The width measured along the street right-of-way boundary line upon which the lot fronts.
- c. **LOT, WIDTH OF:** The width measured at right angles to its depth at the building line.
- d. **LOT LINES:** A boundary line dividing one lot from another.
- e. **CORNER LOT:** A lot fronting on two (2) streets at their intersections.

**“M” Definitions**

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

**MEDICAL FACILITY:** A facility used for medical examination, preventive medicine or medical treatment by medical professionals licensed by the State of Ohio, including “medical office/clinic” and “hospital” as defined below:

- a. **“Medical office/clinic”** means a medical facility where medical examination, preventive medicine, or medical treatment is provided on an out-patient basis, with no facilities for overnight stay.
- b. **“Hospital”** means a medical facility where medical examination, preventive medicine, or medical treatment is provided and where facilities are provided for overnight treatment or recovery.

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

**MISCELLANEOUS EDUCATIONAL USE:** An educational activity other than a public school or a non-public school, conducted by a non-governmental organization including such activities as a trade school, professional school, school, school for the arts or sports, and similar schools.

**“N” Definitions**

**NONCONFORMING.** Not conforming to the provisions of this Resolution.

- a. **NONCONFORMING LOT:** A lot legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the lot is located.
- b. **NONCONFORMING STRUCTURE:** A building or other structure legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of

## Definitions

this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the structure is located.

- c. **NONCONFORMING USE:** A use legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which would not be permitted according to the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the use is located.

**“O” Definitions**

**OFFICE:** A use, conducted within a building or part of a building, involving the conduct of the administrative, executive, management, or clerical affairs of a business, service, industry, or government; or the activities of a profession; and generally furnished with desks, tables, files, and communication equipment. The term “office” includes but is not limited to: lawyers; architects, engineers, landscape architects, or other design professionals; sales offices without stock in trade; and other similar uses. The term “office” does not include: financial services, retail business, or personal services.

**OPEN PORCH:** A porch open on three (3) sides except for wire screening. A porch, shall not be considered open if enclosed by either permanent or detachable glass sash; or an enclosed railing more than three (3) feet in height.

**OPEN SPACE:** An open, clear, or unobstructed space.

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

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

**“P” Definitions**

**PERSONAL SERVICES:.** An enterprise, which is not otherwise specifically defined or regulated by this code, conducted for gain which primarily offers services to the general public involving the care of a person or a person’s goods or apparel or household pets, but not including senior housing, senior care facilities, medical or veterinary services. Personal services include, but are not limited to the following uses:

- a. shoe repair, watch repair, tailor, seamstress
- b. barber shop, beauty parlor,
- c. dry cleaner, laundry

**PARK (To Park):** The stoppage of any automobile, jeep, van, truck, trailer, or motor home (R/V) with the intent of permitting any of these to remain standing on a parcel of property for a period of time less than seventy-two (72) hours. *See also “STORE”.*

**PARKING SPACE:** The area required for parking one automobile, which in this resolution is held to be an area ten (10) feet wide and twenty (20) feet long, which does not include access space, and located totally outside of any street right-of-way.

**PLANNED DEVELOPMENT (PD):** A development in which lot size, yard areas and building placement may be varied to create a harmonious blend of residential, and providing for open spaces and common areas.

## Definitions

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

**PUBLIC FACILITY:** An administrative, service, recreational, or other use or facility owned and operated by the Township, County, State, or federal government.

**“Q” Definitions****“R” Definitions**

**RECREATION FACILITY:** A place designed and equipped for sports, leisure-time, or entertainment activities, but not including those uses otherwise specifically defined or regulated in this Code. Campgrounds, restaurants, types of lodging, and sexually oriented businesses, which are separately defined or regulated in this Code, are not included within the meaning of “recreation facility”. Amusement park, miniature golf course, and race track for motorized vehicles or animals are not included within the meaning of “recreation facility”. Per this Code, recreation facilities are of three types:

- a. **RECREATION FACILITY, TYPE A:** Outdoor recreation facilities, usually requiring a large space, which are relatively quiet and compatible with residential uses, including but not limited to such activities as a regulation golf course and club house, picnic area, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motorized vehicles); fishing; non-motorized boating; observation of nature; and similar facilities and activities.
- b. **RECREATION FACILITY, TYPE B:** Outdoor recreation facilities for intense sports and athletic activities including but not limited to field sports, baseball field, soccer field, swimming pool, tennis court, basketball court, golf driving range.
- c. **RECREATION FACILITY, TYPE C:** Indoor recreation and entertainment facilities including but not limited to those required for indoor court sports, shooting ranges, athletic clubs, bowling alleys, theaters, auditoriums, lodge halls, and social clubs.

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

**RESTAURANT:** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**RETAIL BUSINESS:** An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**“S” Definitions**

**SCHOOL, NON-PUBLIC:** An educational use, including pre-school/kindergarten, elementary, middle school, high school or trade school, but not child day-care, operated by an organization accredited by the Ohio Department of Education, but other than the local School District. *See also “Miscellaneous educational use”.*

**Definitions**

**SCHOOL, PUBLIC:** An educational use operated by the local School District, including child day-care, pre-school/kindergarten, elementary, middle school, or high school or trade school. *See also "Child day-care".*

**SET-BACK:** The minimum horizontal distance between the street line and the front line of the building, except steps, open porches and over-hanging eaves and cornices on the first story which do not extend more than ten (10) feet beyond the front wall of the building.

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

**SPOILBANK:** Deposit of earth and other materials after their removal from their natural state in the process of strip mining.

**SPECIAL RESIDENTIAL FACILITY:** A dwelling complying with any of the following definitions:

- a. As regulated by the Ohio Department of Health and the Ohio Revised Code, an adult family home providing accommodations for three to five unrelated adults.
- b. As regulated by the Ohio Department of Mental Retardation and Developmental Disabilities and the Ohio Revised Code, a foster family home for not more than five mentally retarded or developmentally disabled persons; or a family home for six to eight persons with the same characteristics.
- c. As regulated by the Ohio Revised Code, a foster family home or family foster home for juveniles.

**STORE (To Store):** The stoppage of any automobile, jeep, van, truck, trailer or motor home (recreational vehicle), with the intent of permitting any of these to remain standing on a parcel of property for a period of time longer than seventy-two (72) hours. *See also "PARK".*

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

**STREET:** A public thoroughfare.

- a. **STREET LINE:** The dividing line between the street and abutting property.
- b. **STREET PRIVATE:** A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to the easements.
- c. **STREET, THROUGHFARE OR ROAD:** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designed as follows:
- d. **ALLEY:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- e. **ARTERIAL STREET:** A general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous street;

## Definitions

- f. **COLLECTOR STREET:** A thoroughfare, whether within a residential, industrial, business or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions;
- g. **CUL-DE-SAC:** A local street of relatively short length, with one end open to traffic and the other end terminating in a vehicular turnaround;
- h. **DEAD-END STREET:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- i. **LOCAL STREET:** A street primarily used for providing access to residential or other abutting property.

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

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

**SUBDIVISION REGULATIONS:** The Mahoning County Subdivision Regulations, as amended.

**SWIMMING POOL, PRIVATE:** Exclusively used without paying an additional charge for admission by the residents and their guests.

**SWIMMING POOL COMMUNITY:** Operated with a charge for admission, a primary use.

#### “T” Definitions

**TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for not more than ten (10) transient guests for compensation.

**TRAFFIC PAVEMENT:** The term applied to all blacktop, slag, concrete, macadam or other surfaces used by vehicles for parking or means of egress or ingress.

#### “U” Definitions

**USE:** Any purpose for which an area of land or a structure may be designated, arranged, intended, maintained, or occupied; or any activity occupation, business, or operation actually conducted or intended to be conducted on an area of land or in a structure.

- a. **USE, ACCESSORY:** A use customarily incidental and subordinate to the principal use or building.
- b. **USE, CONDITIONAL.** A use, other than a permitted use, authorized within a district according to a conditional use permit approved by the Board of Zoning Appeals. Conditional uses which may be authorized are listed in Article III.
- c. **NON-CONFORMING USE:** A use of a building or land that does not agree with the regulations of the use district in which it is located.
- d. **USE, PERMITTED:** A use permitted in a district “by right”, that is, without special review or approval, provided that the use complies with all applicable provisions and provided that a zoning permit may be required to ensure compliance.

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**Definitions****“V” Definitions**

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

**ALL VARIANCES MUST COMPLY WITH THE REQUIREMENTS OF ARTICLE X, SECTION 10.04 OF THIS ZONING RESOLUTION.**

**VEHICLE:**

- a. **ABANDONED MOTOR VEHICLE:** Any motor vehicle or accessory to same, which is dismantled or stored in a yard area, and which does not have a current valid license thereon.
- b. **COMMERCIAL VEHICLE:** Any vehicle utilized in a business or profit-making venture designed to carry material and/or personnel, such as but not limited to a van, pickup truck, a stake body truck a trailer, or such vehicle used for business purposes.
- c. **RECREATIONAL VEHICLE:** Any self-propelled or non-self-propelled vehicle or trailer which can be used as living quarters and so constructed as to permit its being used as a conveyance upon the public street and highways, having all necessary current licenses or permits and being in roadworthy condition for such use as a conveyance.
- d. **VEHICLE REPAIR:** The maintenance, repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service and the painting and steam cleaning of vehicles. The term does not include auto wash or fuel station.
- e. **VEHICLE SALES, RENTAL OR LEASING:** The sales, rental, or leasing of new or used motor vehicles, recreational vehicles, or trailers. The term also includes sales, rental, or leasing of vehicles, trailers, or equipment used in construction or agriculture.

**“W” Definitions**

**WAREHOUSE.** A building with more than fifty percent (50%) of its floor area used for the storage of goods, equipment or supplies which are not available for sale on the premises and in which either:

- a. The goods, equipment or supplies belong to or are intended for use by a person, business or corporation other than the owner or lessee of the building; or
- b. If the goods, equipment or supplies belong to or are intended for use by a person, business or corporation who is the owner or lessee of the building and the goods, equipment or supplies are not assembled or used on the premises.

(In the event the building in question contains more than one business occupant each business occupant shall be separately considered)

**WIRELESS TELECOMMUNICATIONS FACILITY:** The equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer



## Definitions

which connects the mobile unit with another mobile unit or land-based telephone lines. “Tower” means a structure intended to support equipment used to transmit and/or receive telecommunication signals. “Antenna” means the physical device through which electromagnetic, wireless telecommunications signals are transmitted or received.

**WHOLESALE BUSINESS:** The sale of goods by the piece or in quantity to other business for manufacturing purposes or resale, as opposed to sales to the ultimate retail consumer.

**“X” Definitions****“Y” Definitions**

**YARD:** An open space that lies between the principal building and the nearest lot line.

- a. **YARD, FRONT:** An open space on the same lot with a principal building, extending the full width of the lot and situated between the street line and front line of the building, exclusive of open porches, and projected to the side lines of the lot.
- b. **YARD, REAR:** An open space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and rear line of the principal building projected to the side lines of the lot.
- c. **YARD, SIDE:** An open, unoccupied space on a lot occupied by a building, extending for the full length of the building between the building and the side lot line.

**“Z” Definitions**

**ZONING PERMIT:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures.

**ZONING MAP:** The Zoning Map of Green Township, together with all amendments subsequently adopted.

**ZONING INSPECTOR:** The Zoning Inspector of Green Township or the authorized Representative of the Zoning Inspector.

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