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ARTICLE I

AUTHORIZATION, PREAMBLE AND TITLE

Section 1.01 Authorization

A Resolution enacted pursuant to Section 519.02, of the Revised Code of Ohio, and governing the use of land within the unincorporated area of Poland Township, Mahoning County, Ohio, and in accordance with a Land Use Plan to regulate the location, height, bulk, number of stories and size of buildings and other structures; density of population; to restrict the location and use of buildings, structures and land for residential, business, industrial, public and other specified uses; to regulate and determine the area and dimensions of yards, courts and other open spaces; to provide for changes in the regulations and boundaries of such districts; and to provide for the administration and enforcement of this Resolution.

Section 1.02 Purpose

The purpose of this Resolution is to establish guidelines in order to protect, promote and improve the public health, safety and morals of the inhabitants of Poland Township by protecting and conserving the character and social and economic stability of residential, business, industrial and public use areas; by securing the most appropriate use of land; by preventing overcrowding of the land and the undue concentration of population; by providing adequate light, air and reasonable access; and by facilitating adequate and economical provision of streets, public utility systems, parks and recreation, and other public requirements, and by other means all in accordance with the Land Use Element for Poland Township, as shown on the Mahoning County Land Use Plan.

NOW THEREFORE:

Section 1.03 Short Title

This Resolution shall be known and may be cited as the "Zoning Resolution of Poland Township, Mahoning County, Ohio," except as referred to herein, where it shall be known as "this Resolution."

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.01 Construction of Language

The following rules of construction apply to the text of this Resolution:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, corporation, association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events *shall* apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events *may* apply singly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions or events *shall* apply singly *but not* in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 Definitions

Accessory Building: Is a structure located on a lot under common ownership with the principal building, and which is secondary in importance to the main building. Accessory buildings shall include but not be limited to detached garages, storage buildings, sheds and barns. No lot shall contain more than one accessory building. (10/13/2005)

Accessory Use: Is a use that is customarily considered incidental to, and located on the same lot as the principal use or building. Accessory uses include the following:

- a. Living quarters for servants or caretakers.
- b. Family swimming pools for use by occupants and their guests.
- c. Tool shed, barn or other structure for the storage of domestic goods or articles.
- d. Home occupations.
- e. Business or industrial uses or buildings used for the storage of merchandise or manufactured products unless such storage is excluded from the applicable provisions of this Resolution.
- f. Off-street parking spaces, open or enclosed, subject to the off-street parking regulations for the district in which the lot is located.
- g. Off-street loading spaces, subject to the off-street loading regulations established for the district in which the lot is located.
- h. Satellite dish antennas, subject to the regulations established for the district in which it is located.

Acre: Is a parcel of land forty three thousand five hundred and sixty (43,560) square feet in area.

- a. **Acre, Gross:** Is an acre of land including one-half of the street right-of-ways and one-quarter of the street right-of-way at intersections, bordering the site.
- b. **Acre, Net:** Is an acre of land, after deducting street right-of-ways, and other easements on the site.

Adult Arcade: Is any place where the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, mechanically, or manually controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Book Store or Adult Video Store: Is a business establishment, which, as one of its principal purposes, offers for sale or rent for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe "specified sexual activities" or "specified anatomical areas;" or
- b. Instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult Cabaret: Is a nightclub, bar, restaurant, or similar business establishment which regularly features:

- a. Persons who appear in a state of nudity; or
- b. Live performances, which are characterized by the exposure of "specified anatomical areas," or by "specified sexual activities;" or
- c. Films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities," or "specified anatomical areas."

Adult Motel: Is a hotel, motel, or similar business establishment which:

- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities," or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- b. Offers sleeping room for rent for a period of time that is less than ten (10) hours;
or
- c. Allows a tenant or occupant of a sleeping room to sub-rent or sub-lease a

room for a period of time that is less than ten (10) hours.

Adult Theatre: Is a theatre, concert hall, auditorium, or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities," or "specified anatomical areas."

Agriculture: Is 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.

Alley: Is any dedicated public right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Animal Husbandry: Is a branch of agriculture concerned with the production and care of domestic animals.

Apartment: Is a room or a suite of rooms in a multiple family building as defined below:

- a. **Efficiency Apartment:** Is a dwelling unit containing not over five hundred and fifty (550) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and bathroom facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- b. **One Bedroom Unit:** Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet of floor area, consisting of not more than two (2) rooms in addition to kitchen, dining and bathroom facilities, and for the purposes of computing density shall be considered as a one (1) bedroom dwelling unit.
- d. **Two Bedroom Unit:** Is a dwelling unit containing a minimum floor area of at least one thousand two hundred (1,200) square feet of floor area, consisting of not more than three (3) rooms in addition to a kitchen, dining, and bathroom facilities, and for the purposes of computing density shall be considered as a two (2) bedroom dwelling unit.
- e. **Three or More Bedroom Unit:** Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of one thousand two hundred (1,200) square feet. For the purposes of

computing density, a three (3) bedroom unit shall be consider a four (4) room unit and each additional bedroom over three (3) bedrooms shall be an increase in the room count.

Applicant: Is a person or landowner who has submitted an application for the review and approval of a site plan, zoning certificate, conditional zoning certificate, variance or appeal under the applicable provisions of this Resolution.

Attachment: is a structural addition or alteration to a principal building by physically affixing it to the principal building with both a foundation and a roof; such foundation and roof shall be in compliance with all County requirements.

Basement: Is that portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is greater than the vertical distance from the grade to the ceiling. A basement shall not be considered as a story.

Bed and Breakfast: Is a private owner occupied dwelling other than a hotel or motel, with no more than four (4) guest rooms for sleeping and containing no more than one (1) kitchen. The guest rooms shall be primarily designed for and occupied by transient guests renting them on a daily basis and usually staying less than seven (7) days. The operator shall live on the premises.

Billboard: Is a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Buffer: Is the area of the lot, generally adjacent to and parallel with the property line, consisting of existing natural vegetation in the form of trees, shrubs, berms and or fences, and designed to limit views and sounds between adjoining land uses of different types or intensities of development.

Building: Is any structure permanently affixed to the ground, having a roof supported by columns or walls for the shelter, housing or enclosure of any person, animals, process, equipment or goods.

A "building" shall not include such structures as billboards, fences, radio communication towers, or structures with interior surfaces not normally accessible for human use, such as oil or gas tanks, grain elevators, overhead cranes or similar structures.

Building Alterations: Is any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any relocation of a building from one location or position to another, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Setback Line: Is a line that defines the distance a building or other structure is to be located from a lot line or street right-of-way line. In all cases the building setback lines of a lot shall run parallel to the right-of-way lines and the lot lines of a lot.

Business Center: Is two (2) or more separate business uses occupying the same or adjacent buildings on the same lot of record.

Caliper Inches: Is the diameter of a tree trunk measured at a height of nine inches (9") above the root ball.

Cemetery: Is any one or a combination of more than one of the following:

- a. A burial ground for earth interments.
- b. A mausoleum for crypt entombments.
- c. A columbarium for the deposit of cremated remains.

Common Open Space: Is any open space area within or related to a site designated as a development and designed and intended for the shared use or enjoyment of residents and owners of a development.

Common open space areas may include open fields, tree groves, wetlands, and bodies of water, or a combination of land and water, within a development site designed and intended for the shared use and enjoyment of individuals using the development. Parking facilities serving activities in the open space area shall be excluded in the required area computations. Common open space areas shall not include:

- a. The total lot area used for one-family or two family dwelling units, whether or not the dwelling units are leased or sold.
- b. The total lot area used for townhouse or apartment units, whether or not the units are leased or sold.
- c. A storm water retention basin required in connection with any residential, commercial or industrial development.

- d. The total area of any lot or parcel used for business or industrial purposes, including parking facilities, whether or not the business or industrial building(s) are leased or sold.
- e. Street rights-of-way, parkways, driveways, off-street parking, and service area.
- f. The total area of any lot or parcel used for public or quasi-public buildings or structures, including parking facilities.

Concession Stand: Is any structure, vehicle or trailer designed to display goods, objects, apparel or food for direct sale to the general public.

Conditional Use: Is a use that owing to special or unusual circumstances attendant to its operation is permitted in a district subject to approval by the Board of Zoning Appeals and subject to special requirements that are different from the standard requirements established for all permitted uses for the district in which the conditional use is located.

Condominium: Is the absolute ownership of a dwelling unit in a multiple family building based on a legal description of the air space the dwelling unit actually occupies, and the undivided interest in the ownership of the common spaces which are owned jointly with other condominium owners such as hallways, stairwells, off-street parking facilities and outdoor landscape areas.

Conifer: Is a plant that bears seeds and cones.

Construction: Is the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing work will be carried out in a manner consistent with the provisions of the zoning certificate.

Convalescent or Nursing Home: Is a building with sleeping rooms when persons are housed or lodged and are furnished with meals, nursing and medical care.

Corner Lot: A lot located at the intersection of Two (2) or more streets. A through street or the street with the highest traffic rate as determined by the Mahoning County Engineering Dept., shall be designated as the primary street with any other streets designated as secondary streets. (10/13/2005)

Cul-de-Sac: Is a street having one (1) outlet open to vehicular traffic and the other end permanently terminated by a vehicular turn-around.

Day Care:

- a. **Day Care Center:** Is a building where non-medical care and/or instruction, personal services, supervision or assistance are provided, for a fee, on a regular schedule, at least two (2) times a week to at least seven (7) and no more than twelve (12) children, including the children of the adult provider.
- b. **Day Care, Family:** Is a private residence where care, protection and supervision are provided, for a fee, at least two (2) times a week to no more than six (6) children at one time, including children of the adult provider.

Deck: Is any floor structure intended to support persons above the finished grade, attached or unattached to a building.

Degraded Wetland: Is a wetland altered through human impairment of some physical or chemical property, which results in a reduction of habitat value or other reduction of functions (i.e. storage of flood waters), as determined by the Army Corps of Engineers.

Density: Is the number of dwelling units per net acre of land developed or used for residential purposes. Unless otherwise stated in this Resolution, density requirements are expressed in dwelling units per net acre.

Detention Basin: Is a self-draining, gently sloping area of land with a berm along its lower edge, through which surface water is allowed to runoff at a slow rate through small outlet pipes. (See also "retention")

Developer: Is the legal owner or owners of a lot or of any land proposed to be included in a development including the holder of an option or contract to purchase, or any other person having an enforceable propriety in such land.

Development: Is the erection, construction, reconstruction, material structural alteration, relocation or enlargement of any building or structure; or any excavation or landfill; or any use or change in use of any structure or land, or extension or increase in the use of land.

Disturbed Wetland: Is a wetland directly or indirectly altered from a natural condition, yet retaining some natural characteristics, as determined by the Army Corps of Engineers.

District: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

Driveway: A continuous hard surfaced pavement access route that leads from a public thoroughfare to a garage or private parking area. If the public thoroughfare

is a class "A" curbed street, the driveway must be of a continuous width concrete, asphalt or brick surface. (06-09-2012)

Duplex: Is a structure containing two (2) dwelling units.

Dwelling: Is a building (except a manufactured home or mobile home as defined in this Resolution) wholly or partly used, or intended to be used, for living or sleeping by one or more persons and built on a site complying with county building codes or built completely or partially off-site in compliance with the basic building codes of the State of Ohio for industrialized units or a permanently sited manufactured home.

Dwelling, Unit: Is a building or a portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

- a. **Dwelling Unit, One Family**: Is a building designed exclusively for and occupied by one (1) family.
- b. **Dwelling Unit, Two Families**: Is a building designed exclusively for occupancy by two (2) families living independently of each other.
- c. **Dwelling Unit, Multiple Families**: Is a building or portion thereof, designed exclusively for occupancy by three (3) or more families, living independently of each other.

Earthwork: Is the construction made of excavated, piled and/or compacted soil, sometimes with rocks, such as mound, pyramid, fortification, ditch or embankment.

Easement: Is a right to use the land of another for a specific purpose, such as for a right-of-way or utilities.

Eating Establishment other than Fast Food Restaurant: Is any building serving food, drink, or other refreshments on dishware and utensils to patrons eating on or off the premises and not having a drive-in window.

Erected: Is the same as built, constructed, reconstructed, altered, moved upon, or any physical operation on the premises which is required for construction. Excavation, fill, grading, drainage improvements will be considered a part of erection.

Excavation: Is any breaking of ground, except agriculture, fanning or commercial household gardening and ground care.

Family: Is one or more persons or parents, living together as a single household unit in a dwelling unit.

Fence: Is any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Festival (Carnival or Fair): Is a temporary public or commercial gathering where entertainment, food, crafts are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the Township are excluded.

Flood Plain: Is any land area bordering a stream build up of sediments from overflow of the stream to inundation when the stream is in flood stage, as determined by the Federal Emergency Management Administration.

Floor Area, Gross: Is the area within the inside perimeter of the exterior walls of a building with no deduction for corridors, steps, open or enclosed porches, stairwells, closets, thickness of walls, columns or other features, exclusive of areas open to the sky.

Floor Area, Residential: Is, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas within the inside perimeter of the exterior walls of each story of the building or from the centerline of walls separating two buildings. The floor area measurements are exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, enclosed and un-enclosed porches.

Floor Area, Useable: Is the sum of the horizontal areas within the inside perimeter of the exterior walls of the several floors of the buildings intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. The floor area used or principally used for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Useable Floor Area."

Fraternal Organization: Is a private club organized around a common interest or goal which is jointly supported, meets periodically and providing recreational activities and/or meals for members and guests.

Garage, Private: A structure or a portion of a dwelling used for parking of automobiles, travel trailers and/or boats, used by members of the family housed in the building to which such garage is accessory. No living quarters shall be in any portion of a detached residential garage. There shall be no more than one (1) detached garage per lot. Said garage is limited to one (1) story, maximum height of twenty (20) feet and shall not exceed one-thousand (1000) square feet in area. (10/13/2005)

Garage, Service Repair: Is a use where the following services may be carried out: general repair of vehicles, boats, planes, bicycles, farm equipment, engine repair and rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening or repair; painting and undercoating of automobiles.

Gas: Is all natural gas and all other fluid hydrocarbons not defined as "oil", including condensation.

Grade: Is the ground level established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building, if the finished grade is level. If the ground is not level, the grade shall be determined by computing the average elevation of the ground between each face of the building and the lot line, and taking the average of said total averages.

Greenbelt (Perimeter Landscape Strip): Is a continuous area of land set aside along the edge of a lot in which one or more rows of dense evergreens are planted to provide privacy between residential lots and off-street parking lots, or business/industrial properties; and, to serve as an effective buffer zone to block visible commotion and reduce noise. Whenever a greenbelt is required by this Resolution, it shall be in place as soon as a building is occupied and shall thereafter be trimmed, maintained or replanted as needed to preserve its obscuring function.

Group Home: Is a residential facility that provides room and board, personal care, rehabilitation services, and supervision in a family setting for at least nine (9) persons but not more than sixteen (16) mentally retarded or developmentally disabled persons as defined by Section 5123.19 a(3) of the Ohio Revised Code.

Hard Surface Drives: Is a surface that has been compacted and covered with a layer of concrete or asphalt cement that is highly resistant to infiltration by water and providing direct access to a residential, business or industrial structure.

Hazardous Waste: Is waste listed specifically as hazardous and/or exhibits one or more characteristics of hazardous wastes as defined by Section 3745-51 of the Ohio Administrative Code.

Health Club: Is an indoor facility providing game courts, exercise equipment locker rooms, Jacuzzi, and/or sauna and pro shop.

Home Occupation: Is an accessory use of a dwelling unit for gainful employment which: (a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; (b) is carried on solely within the dwelling unit and does not alter or change the exterior character or appearance of the dwelling unit; and, (c) is located in a residential district.

Hotel: Is a commercial building or buildings with guest rooms for sleeping and having a common kitchen, and a full service dining room to provide meals for paying guests, sixteen (16) hour room service, a twenty-four (24) hour reception desk, lobby, indoor or outdoor recreational amenities and conference rooms. The rooms shall be primarily designed for and occupied by transient guests renting them on a daily basis and usually staying less than seven (7) days.

Housing for the Elderly (Assisted Living)

- a. **Independent Housing:** Is a building or portion of a building, designed exclusively for three (3) or more individuals or couples, where one (1) individual is over sixty (60) years of age, and each individual or couple lives independently of each other.
- b. **Semi-Independent Housing:** Is a building or portion of a building, occupied by four (4) or more persons and their spouses, where one (1) individual is over sixty (60) years of age, except for rooms or units occupied by resident staff personnel, within which are provided living and sleeping quarters, indoor, conveniently located, shared food preparation service and shared dining areas, common recreation, social and service facilities for the exclusive use of all residents.
- c. **Dependent Housing:** Is a building or portion of a building designed exclusively for the transitional residency where one (1) individual is over sixty (60) years of age, or for disabled persons, progressing from independent living in one-family dwelling units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

Hydric Soil: Is a soil that is saturated with water long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophilic vegetation. Hydric soils that occur in areas having positive indicators of hydrophilic vegetation and wetland hydrology are wetland soils.

Industrialized Unit: Is a building, dwelling unit or assembly of closed construction that is fabricated at an off-site location that is substantially self-sufficient as a unit or as part of a larger structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include manufactured or mobile homes as defined in this Resolution.

For the purposes of this Resolution an industrialized unit shall be considered as an one-family dwelling unit provided it meets the following criteria:

- a. The industrialized unit is installed on a site-constructed permanent foundation.
- b. The industrialized unit is designed not to be moved once erected or installed on the site-constructed permanent foundation.
- c. The industrialized unit complies with the Ohio and/or local building codes as evidenced by an appropriate Industrialized Insignia Number on each industrialized unit.

Junk: Is scrap metals of all types, bones, rags, used bottles, cans or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts thereof, used construction materials and any and all other manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacturing.

Junk Motor Vehicle, Abandoned: Is a motor vehicle meeting all of the following requirements:

- a. Left on the property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
- b. Three (3) years old, or older;
- c. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- d. Apparently inoperable;

Junk Motor Vehicle: Is a motor vehicle meeting the requirements of divisions (b), (c), and (d) of Section 2.02 (78) that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Sections 4737.05 to 4737.12 of the Ohio Revised Code, or regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona ride commercial operation; or if the motor vehicle is a collector's vehicle.

Junk Yard: Is a place, whether inside or outside a building, where junk is bought, sold, exchanged, baled, packed, stored, handled or disassembled.

Kennel, Commercial: Is an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Landscaping: Is any combination of living plants (e.g. grass, flowers, shrubs, ground cover, vines, hedges, or trees) and non-living landscape material (e.g. rocks, pebbles, sand, mulch, walls, fences or decorative paving materials). Prohibited materials: tires, vehicle parts, engine parts, appliances and materials not manufactured as landscape features.(06/08/2012)

Land Use Plan: Is a map, including written and graphic proposals, defining the general future location of residential, business and industrial land uses, as shown on the Land Use Element for the Township, in the Mahoning County Land Use Plan.

Loading Space: Is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials. Required off-street loading space is not to be included in the computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street right of way.

Lot: Is any parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or used for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Resolution.

Lot Area: Is the total horizontal area within the lot lines of a lot.

Lot Coverage: Is that part or percentage of the lot covered by buildings including accessory buildings.

Lot Depth: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage: Is a lot other than a corner lot that abuts onto two (2) or more streets.

Lot, Interior: Is any lot other than a corner lot.

Lot Line: Is the line defining the limits of a lot as described below:

- a. **Front Lot Line:** Is that line separating an interior lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating said lot from either street.

b. **Rear Lot Line:** Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

c. **Side Lot Line:** Is any lot line other than the front lot line or rear lot line.

Lot Width: Is the horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines.

Manufactured Home: Is a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and bearing a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. "Manufactured Home" shall not have the same meaning as an industrialized unit as defined in this Resolution.

Manufactured Home, Permanently Sited: Is a manufactured home that meets all of the following criteria:

- a. The structure is affixed to a permanent foundation and is connected to appropriate sanitary facilities.
- b. The structure, excluding any addition, has a width of at least twenty-two feet (22') at any one point, and a length of at least twenty-two feet (22'), at any one point, a total living area of at least nine hundred (900) square feet or whatever is required of one-family dwellings in the applicable zoning district, excluding garages, porches or attachments.
- c. The structure has a roof pitch of 3:12 or greater, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate gutters.
- d. Forfeits the title, merging it with the deed.

Major Arterial Thoroughfare: Is a public street, which is intended to serve large volumes of traffic for both the Township and the region beyond. Youngstown-Pittsburgh Road, Clingan Road, Boardman-Poland Road, Center Road, State Route 224, Struthers Road, New Castle Road and Western Reserve Road are classified as Major Arterial Thoroughfares in the Township.

Marginal Access Road: Is a right-of-way parallel to a major arterial thoroughfare; and which provides access to abutting properties.

Massage: Is the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

Massage Business: Is any establishment or business wherein massage is practiced, which is characterized by emphasis on matters and activities relating to "specified sexual activities," or "specified anatomical areas" as defined in this Section, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.

Masseur or Masseuse: Is any licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor, osteopath or masso-therapist that performs massages at a massage establishment.

Mineral: Is sand, gravel, clay, shale, gypsum, halite, coal, limestone, dolomite, sandstone, other stone, metal ferrous, or non-metal ferrous ore, other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal, peat or top soil.

Mini-Warehouse: Is a building or group of buildings in a controlled access or fenced compound that contains a maximum of twenty-two (22) individual, compartmentalized, controlled access stalls or lockers in any one building no less than fifty (50) square feet each, for the storage of customer's goods or wares.

Miscellaneous Material: Is a violation of the zoning code to have junk, garbage and rubbish whether screened from view or not that may result in a public/private nuisance. Any items left out in the open in a yard including under a tarp or the exterior not being used for its intended or designed purpose as related to covering or canvas, front porch or front patio to include; wood pallets, plastic, construction materials (not being used for active construction), household stoves, refrigerators, washers, dryers or other inoperable appliances, electronic and household equipment, abandoned swimming pools, tires, batteries, pipes, tubing, metals, barrels, brush and fallen trees, cabinets, deteriorating and fallen fences deteriorating accessory/outbuilding , rubbish and solid waste. (10-09-19)

Mobile Home: Is a building unit or assembly of closed construction that is fabricated in an off-site location, that is more than thirty-five (35) body feet in length or, when erected on-site, includes three hundred twenty (320) or more square feet of floor area, built on a permanent chassis and transportable in one or more sections. A mobile home shall not have the same meaning as an industrialized unit or manufactured home as defined in this Resolution.

Mobile Home Park: Is any piece of ground upon which two (2) or more mobile homes are located.

Modular Unit: Is a building including the necessary electrical, plumbing, heating, ventilating and other service systems manufactured off-site and transported to the

point of use for installation or erection with or without other specified components as a finished building or part of a building and bearing the state insignia number. A modular unit shall not be designed for ready removal to another site.

Motel: Is a commercial building or buildings with guest rooms for sleeping, including a reception desk, indoor or outdoor recreational amenities and a lobby. The rooms shall be primarily designed for and occupied by transients renting them on a daily basis and usually staying less than seven (7) days. Recreational amenities shall be included on the site.

Mound: Is an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise or glare.

Non-conforming Building: Is a building or portion thereof lawfully existing at the effective date of this Resolution, or amendments thereto, and which does not conform to the area and height regulations of the district in which it is located.

Non-conforming Use: Is a use which lawfully occupied a building or land at the effective date of this Resolution, or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

Nudity or State of Nudity: Is the appearance of a human bare buttock, anus, male or female genitalia, or female breast.

Nursing Home: Is a residential facility that provides, for a period of more than twenty-four (24) hours, accommodations to three (3) or more unrelated individuals who are dependent upon the health care services of others, including a residential care facility, home for the aging, and the Ohio Veterans Home.

Off-Street Parking Lot: Is any public or private open area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, and providing access for entrance and exit for the parking of more than three (3) vehicles.

Office Park: Is a subdivision containing general office buildings and support services arranged in a park-like setting.

Oil: Is crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Open Space: Is the land area within the boundaries of a development that is intended to provide light, air, views and/or quality or a general appearance of openness, and is designed for scenic, recreation, privacy, or environmental purposes.

Open space may include, but shall not be limited to, walkways and trails, active and passive recreation areas; undisturbed natural areas; wooded areas; natural creeks and streams. In open space developments, open space shall be composed of hydric soils as shown on the "conservation and development" map on file in the Zoning Inspector's office.

Open Space Development: Is a subdivision involving five (5) or more lots located in a contiguous group, with adjacent and fronting lots oriented towards each other in an ordered geometric way on a street, green, or a square with surrounding open space, and meeting prescribed standards established for open space, density and impervious surfaces as set forth in this Resolution.

Outdoor Furnace: means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of the fuel to produce heat or energy used as a component of a heating system providing heat for any interior space of water source. (8/5/2006)

Outdoor Storage: Is the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, excluding construction materials.

Overlay Zoning District: Is a zoning district superimposed over one or more zoning districts to protect critical features and resources of the community. Where the standards of the overlay district are different from those of the zoning district, the more restrictive standards will apply.

Parcel: Is a defined area or piece of land, the term itself not importing any precise definition.

Parking Lot: Is any public or private open area used for the express purpose of storing automobiles and other vehicles on a temporary basis.

Parking Space: Is an area of a definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the parking of motor vehicles.

Performance Bond: Is an instrument approved by the Mahoning County Planning Commission by and between the subdivider or developer and the County, for the amount of the estimated construction cost guaranteeing the completion of required improvements within a prescribed period of time.

Person: Is an individual, proprietorship, partnership, corporation, or any other legal entity.

Planned Unit Development: Is a contiguous land area of a minimum size, as specified in the district regulations, to be planned and developed in a unified

manner or as a programmed series of development phases. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. The planned unit development includes provisions for the operation and maintenance of such areas, facilities and improvements that will be provided for the common use by some or all of the occupants of the land development, but which will not be provided, operated or maintained at general public expense.

Plat: Is the document, prepared by a registered surveyor or licensed engineer, which delineates property lines, monuments and other landmarks for the purpose of identifying property.

Principal Building: Is the specific and primary purpose for which a building is occupied, arranged, designed or intended, or for which a building is or may be occupied. A "house" would be the "principal structure" whereas; a "shed" would be classified as the "subordinate or accessory structure" on the same lot.

Principal Use: Is the declared permitted use of any lot or parcel for the district in which the lot is located. The manufacture and assembly of a product within an industrial building would be the "principal use" whereas the outdoor area for the storage of the finished product would be classified as the "subordinate or accessory use" on the same lot.

Private Nuisance: involves the disturbance of land that results in an unreasonable interference with the use and enjoyment of property that may be detrimental to the public health, safety and morals.

Public Nuisance: involves the disturbance of land that results in an unreasonable interference with the use and enjoyment of property that has a broader effect on the interests of the public in general that may be detrimental to the public health, safety and morals.

Public Building: Is any building or other structure used exclusively for public purposes by any department or branch of the United States Government, State of Ohio, and Mahoning County government under the direct supervision of the Board of County Commissioners, municipality or township, non-profit corporation or any licensed public utility.

Recycling Center, Private: Is a temporary use not to exceed a thirty (30) day period in which recoverable resources, such as newspapers, glasswares and metal cans are collected, stored, flattened or bundled, essentially by hand within a completely enclosed building.

Retirement Center: Is synonymous with "Housing for the Elderly."

Restaurant: Is any establishment serving food, drink, or refreshments, and providing non-disposable dish-ware and utensils to patrons eating on the premises, and not having a drive-up window.

Retention Basin: Is any pond or lake for the collection or storage of surface water for subsequent controlled discharge at a rate which is less than the rate of inflow.

Retail: Is an individual business establishment selling goods or services to customers over the counter.

Roadside Stand: Is a structure used or intended to be used solely by the owner or tenant of the property on which it is located for the sale of seasonal agricultural products.

Rooming House: Is a residential structure that provides lodging with or without meals, available for permanent occupancy only, by three (3) or more adult persons not related by blood or marriage.

Sanitary Landfill: Is a disposal site employing an engineered method in which refuse and earth or other suitable cover material are deposited in alternate layers of specified depth with each layer being compacted by force applied by mechanical equipment and applied with cover material over all exposed waste at the end of each operating day.

Satellite Dish Antenna: Is a device with a reflective surface that is solid, open mesh, bar configured in the shape of a shallow dish, cone, or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and orbital-based uses. This definition is meant to include satellite earth stations, television reception only satellite dish antennas (TVROS) and satellite microwave antennas.

Screen: Is a method for reducing the impact of noise, glare or unsightly intrusions with less offensive or more harmonious elements such as plants, mounds, fences and walls.

Semi-Nude: Is a state of dress in which clothing covers no more than the genitalia, pubic region, and area of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexually Oriented Business: Is a business which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on "Specified Sexual Activities," or "Specified Anatomical Areas" as herein and is more particularly, but not exclusively defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater or massage business.

Sexually Oriented Devices: Is, without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Shade Tree: Is a large deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shrub: Is a woody plant, smaller than a tree, consisting of several small stems from the ground up or small branches near the ground. Shrubs may be deciduous or evergreen.

Shopping Center: Is a group of three (3) or more architecturally unified commercial establishments built on a site, which is planned, developed, owned and managed as an operating unit and served by common parking areas off the street and outside the public right-of-way.

Sidewalk: Is a paved path provided for pedestrian use by the public and generally located within the public right-of-way.

Sign: Is a structure or device designed or intended to convey information to the public in written or pictorial form.

- a. **Sign, Directional:** Is any sign with words or symbols used to assist motorists or pedestrians find a specific location or making use of the words "visitors," "parking," "receiving," "information," or arrows. A directional sign shall not include any commercial advertising.
- b. **Sign, Ground:** Is a sign supported by uprights or braces in or upon the surface of the ground.
- c. **Sign, Pedestal:** Is a sign, supported by an enclosed base, in the shape of a square, circle or rectangle.
- d. **Sign, Pole or Free Standing:** Is a sign where at least fifty percent (50%) of the structure or supports are uncovered or open to the transmission of the wind.
- e. **Sign, Portable:** Is a sign displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when such vehicle is parked so as to attract the attention of the public.
- f. **Sign, Projection:** Is a display sign, which is attached to the building wall, and which extends more than twelve inches (12") from the face of the wall above the roof of the building.

- g. **Sign, Roof:** Is a sign that is erected, constructed and maintained above the roofline of a building or other structure.
- h. **Sign, Subdivision Entryway:** Is an identification, description or illustration affixed to or integrated into a wall directing attention to the name of a residential subdivision.
- i. **Sign, Temporary:** Is any sign that is used only temporarily and is not mounted permanently.
- j. **Sign, Wall:** Is any sign which is painted on or attached directly to a fence or wall or on the surface of masonry, concrete, frame or other approved building walls, and which extends more than twelve inches (12") from the face of such fence, wall or building wall.

Site Plan: Is a map drawn to scale showing the proposed layout and arrangement of buildings and other structures; street right-of-ways; landscaped areas, and public utility easements for a specific site or piece of land.

Social Hall: An establishment providing meeting space for social and organization gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or social hall rentals. (11-11-20)

Solar Collection Device: Is a device designed to collect or transfer energy from the sun to heat or cool a building or pool.

Specified Anatomical Areas: Is the male or female genitalia, anus, buttock or female breast.

Specified Sexual Activities: Is any of the following:

- a. The fondling or other erotic touching of human genitalia, pubic region, buttock, anus, or female breast.
- b. Sex acts, normal or perverted, actual or simulated, including sexual intercourse, oral copulation or sodomy.
- c. Masturbation, actual or simulated.
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Story: Is that part of a building between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. A

story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

Street or Road: Is a public dedicated right-of-way used, or intended to be used, for passage or travel by motor vehicles.

Street or Road, Private: Is a right-of-way owned and maintained by abutting property owners, or by an association of property owners, excluding individual drives serving abutting buildings, off-street parking lots and driveways to off-street parking lots, constructed in accordance with the design standards and improvement specifications of the Mahoning Engineer's Office.

Strip Mining: Is all or any of the processes followed in the removal or extraction of peat, clay, coal, gravel, shale, limestone, sandstone or minerals from their natural deposits by means of open excavation.

Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" does not include fences, walls, drives, sidewalks or portable parking garages.

Structural Alteration: Is any change to the supporting members of a structure including the foundation, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

Subdivider: Is any individual, firm, association, corporation, trust, or any legal entity, commencing proceedings under these Regulations to subdivide land within Mahoning County, Ohio.

Subdivision:

- a. Is the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into four (4) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, or transfer of ownership; or,
- b. Is the improvement of one (1) or more parcels of land for residential, commercial or industrial structures involving the division or allocation of land for the opening, widening or extension of any street or streets; or,
- c. Is the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

However, the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of

parcels between adjoining lot owners where such sale or exchange does not create additional building sites; private streets serving industrial structures, shall be exempt.

Subdivision Plat: Is the final map or drawing upon which the plan of a subdivision is presented to the Mahoning County Planning Commission for approval and, after such approval, to the Mahoning County Recorder for recording.

Swimming Pool: Is a man-made structure constructed of material, other than natural earth or soil, designed or used to hold water for the purpose of providing swimming or bathing therein to a depth of four (4) feet or more.

Telecommunication Tower: Is any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- a. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
- b. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- c. The free-standing or attached structure is proposed to be located in an area zoned for residential use.
- d. The free-standing structure is proposed to top a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations are subsequently amended; or the attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is attached, or the maximum allowable height of such an attached structure as set forth in the applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations are subsequently amended.

Temporary Swimming Pool: Is a man-made structure constructed of material other than natural earth or soil, designed or used to hold water for the purpose of providing swimming or bathing therein with a minimum depth of 18 inches and a maximum depth of less than 4 feet. (10/13/2005)

Temporary Use or Building: Is a use or building permitted by the Zoning Commission to exist during periods of construction of the main building or use, or for special events, as set forth in this Resolution.

Townhouse: Is a building containing three (3) or more dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

Township: Is the unincorporated area of Poland Township, Ohio.

Township Fire Chief: Is the fire chief of the Township Fire District.

Township Fire Department: Is the Western Reserve Joint Fire District.

Trailer, Construction and Storage: Is a non-self propelled vehicle towed or hauled by a motor vehicle used as a temporary office; for short term human occupancy by a security guard; or for carrying tools, equipment or materials for the remodeling, construction or erection of buildings or other structures.

Tree: Is any self-supporting woody plant which has a caliper of two inches (2") or more and which normally attains an overall height of at least twenty feet (20') at maturity, with several self-supporting stems or trunks and numerous branches. A tree may be classified as deciduous or evergreen.

Tree-stands, Existing: Is a group of existing trees and shrubs of a number, size and species that accomplishes the same general function as new plantings.

Truck Terminal: Is a facility where trucks and tractor trailers that are not integral to the operation of the business are parked or stored.

Trustees: Is the Board of Township Trustees of Poland Township.

Use: Is the principal purpose for which land, or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Vegetation, Natural: Is plant growth, especially trees, shrubs, vines, ferns and grasses.

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

Well Field: Is the general area under laid by one (1) or more pools.

Yard: Is the open space on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation, and further defined as follows:

- a. **Yard, Front:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.
- b. **Yard, Rear:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street.
- c. **Yard, Side:** Is an open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.

Zoning Certificate: Is a document on which application is made and then approval is granted or denied by the Zoning Inspector for a permitted use among those sanctioned by this Resolution for a particular piece of property.

Zoning Certificate, Conditional: Is a document on which application is made and then approval granted or denied by the Zoning Inspector and the Board of Zoning Appeals for a Conditional Use amongst those sanctioned by this Resolution, for a particular piece of property.

Zoning Commission: Is the commission appointed by the Trustees in accordance with Section 10.01.

Zoning District: Is the cumulative area of all land within the Township specifically designating the permitted uses, conditionally permitted uses, accessory uses, density and area dimensional requirements established for all of the land within Poland Township.

Zoning Inspector: Is the official charged with the interpretation, administration and enforcement of this Resolution. The Zoning Inspector shall be as designated in writing by such person as may be specified by the Trustees.

Zoning Variance:

- a. **Variance, Area:** Is a modification that relates solely to a departure from the area requirements of this Resolution. The standard to be applied is practical difficulty and whether the lot area requirement applied to a particular property is reasonable. The factors set forth in Article XI, Section 11.05-4 are to be considered by the Board of Zoning Appeals in reaching a decision on an Area Variance.
- b. **Variance, Use:** Is a modification of the literal provisions of this Resolution granted when strict enforcement of this Resolution would

cause undue hardship owing to circumstances unique to the individual property for which the variance is sought.

The crucial factors of a use variance are undue hardships and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 3.01 Establishment of Primary Development Areas

This article provides for the establishment of zoning districts and overlay zoning districts for the purpose of guiding development according to the Land Use Plan adopted for the Township. The zoning districts established in this Resolution are intended to further the goals and objectives established for reserve areas, built-up areas and growth areas identified on the Land Use Element for the Township, as shown on the approved Mahoning County Land Use Plan.

1. Reserve Areas:

The zoning districts in reserve areas are provided to maintain the rural character of the Township for the foreseeable future; to preserve farms and other agricultural uses and to provide for large lot low-density residential development.

AG Agricultural District
E Estate District

2. Built Up Areas:

The zoning districts in built-up areas provide area regulations to maintain the established character and density of development as well as provide for in-fill developments at appropriate densities served by public sewer and water facilities.

R-1 Residence District
R-2 Residence District

3. Growth Areas:

The zoning districts for growth areas are established to accommodate anticipated new development of the Township for a specified period of time. The growth area Zoning Districts provide for residential, business, industrial and other non-residential uses. The infrastructure must be available to support increased development activity. The purpose of the growth area is to guide future orderly growth and development so as to coordinate the Township's anticipated expansion in development with the provision of public sewer and water facilities.

R-3 Residence District
OF Office District
TC Town Center District
BP Business Park District
PUD Planned Unit Development District

Section 3.02 Establishment of Zoning District Regulations

Regulations pertaining to the use of land and/or structures and development within each of the Zoning Districts described in Section 3.01, and as shown on the Official Zoning Districts Map, are hereby established and adopted.

Section 3.03 Official Zoning Districts Map

The unincorporated territory of the Township is hereby divided into Zoning Districts as shown on the Official Zoning Districts Map, Poland Township, Mahoning County, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein. The Official Zoning Districts Map shall be identified by the signatures of the Trustees, attested by the Township Clerk, under the following words:

"This is to certify that this is the Official Zoning Districts Map referred to in Section 3.02 of the Zoning Resolution of Poland Township, Mahoning County, Ohio." (include date of adoption)

Wherever changes are made in Zoning District boundary lines or other matter portrayed on the Official Zoning Districts Map, such changes shall be made on the Official Zoning Districts Map after the amendment has been approved by the Trustees;

Three (3) copies of the Official Zoning Districts Map are to be maintained and kept up to date: One (1) copy in the office of the Trustees, one (1) copy in the office of the Mahoning County Planning Commission, one (1) copy in the office of the Zoning Inspector. The Official Zoning Districts Map shall be accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the Township.

Section 3.04 Interpretation of Zoning, District Boundary Lines:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Districts Map, the following rules shall apply:

- a. Boundaries indicated, as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- b. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated, as approximately following the Township lines of Poland Township shall be construed as following the Township lines.

- d. Boundaries indicated as following the centerline of a railroad right-of-way shall be construed to follow such centerlines.
- e. Boundaries indicated, as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the use of either deeds or survey maps on file in the county recorder's office.

ARTICLE IV

ZONING DISTRICT REGULATIONS

Section 4.01 Development Standards

The development standards set forth shall be the minimum allowed for development in a Zoning District.

Section 4.02 Zoning District Requirements

All buildings and uses in any Zoning District shall be subject to the provisions of Article VII, "General Provisions," and Article VIII, "General Exceptions."

Section 4.03 Permitted Uses

Only a use designated as a permitted use shall be allowed as a matter of right within a Zoning District or Special Zoning District and any such use not designated shall be prohibited.

Section 4.04 Conditionally Permitted Uses

A use designated as a conditionally permitted use shall be allowed in a Zoning District or Special Zoning District when such conditionally permitted use, its location, extent and method of development will not substantially alter the character of surrounding land uses or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District or Special Zoning District.

The Board of Zoning Appeals shall grant Conditional Zoning Certificates when it finds, based on the evidence presented to it, that each condition contained in this Resolution for the proposed use as well as the provisions of Article VI of this Resolution have been met.

Section 4.05 AG Agricultural District

1. Purpose:

The purpose of the AG Agricultural District is to protect and promote the continuation of farming activities in areas where it is already established.

2. Permitted Uses:

- a. Agriculture
- b. Only one (1) single-family dwelling, including a Two (2) or more car garage of at least Four Hundred (400) square feet either attached or detached, and/or accessory buildings. (10/13/2005)

3. Conditionally Permitted Uses:

- a. Bed and breakfast as regulated in Article VI, Section 6.04-3.
- b. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.
- c. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- d. Private cemeteries as regulated in Article VI, Section 6.04-12.
- e. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, and tennis courts, riding academies and other similar outdoor recreational facilities and/or uses consistent with the rural character as regulated in Article VI, Section 6.04-8.
- f. Telecommunication Towers as regulated in Article VI, Section 6.04-15.

4. Accessory Uses:

Accessory uses, buildings or structures customarily incidental to any permitted or conditionally permitted uses, including but not limited to the following uses:

- a. Family swimming pools as regulated in Article VII, Section 7.13.
- b. Home occupations as regulated in Article VII, Section 7.03-3.
- c. Roadside stands as regulated in Article VII, Section 7.03-1(b).
- d. Satellite dish antennas as regulated in Article VII, Section 7.03-2.

5. Off-Street Parking:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.

6. Density, Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

7. Supplementary Regulations:

- a. Intentionally omitted.
- b. Lot Depth to Width Ratio

The lot depth shall not exceed four (4) times the lot width. The width, for the purposes of this Resolution, shall be the width at the minimum building setback line.

- c. Any residential lot located in a platted subdivision shall be subject to the provision of Section 7.21.
- d. Any land if platted into fifteen (15) or more contiguous lots shall be subject to the provisions in the (R-1) Residence District Resolutions of this ordinance and Ohio Revised Code. (8/5/2006)

Section 4.06 E Estate District

1. Purpose:

The Estate District is established to provide areas for homes of larger than average size at a gross density not to exceed one (1) dwelling unit per two (2) acres.

2. Permitted Uses:

- a. Only one (1) single-family dwelling, including a Two (2) or more car garage of at least Four Hundred (400) square feet either attached or detached, and/or accessory buildings. (10/13/2005)
- b. Agriculture.

3. Conditionally Permitted Uses:

- a. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.
- b. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- c. Parochial and private schools offering courses in general education as regulated in Article VI, Section 6.04-11.
- d. Private cemeteries as regulated in Article VI, Section 6.04-12.
- e. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, and tennis courts, riding academies and other similar outdoor recreational facilities and/or uses consistent with the character of residential development as regulated in Article VI, Section 6.04-8.
- f. Telecommunication towers as regulated in Article VI, Section 6.04-15.
- g. Placement and operation of outdoor burning furnaces. (8/5/2006)

4. Accessory Uses:

Accessory uses, buildings or structures customarily incidental to any permitted or conditionally permitted uses, including but not limited to the following uses:

- a. Family swimming pools as regulated in Article VII, Section 7.13.
- b. Home occupations as regulated in Article VII, Section 7.03-3.

- c. Satellite dish antennas as regulated in Article VII, Section 7.03-2.

5. Off-Street Parking:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.

6. Density, Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations", limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

Section 4.07 R-1 Residence District

1. Purpose:

This district is established to accommodate one family residential development at a gross density of 2.56 dwelling units per acre, served by public sewer and water systems. The area is also designed to protect the existing suburban character of development located in the western part of the Township. These areas are intended to afford the optimum in privacy and seclusion attainable while ensuring that centralized sewer and water facilities, schools and other public facilities are adequately provided for the type and density of residential development contemplated within the district.

2. Permitted Uses:

- a. Only one (1) single-family dwelling, including a Two (2) or more car garage of at least Four Hundred (400) square feet either attached or detached, and/or accessory buildings. (10/13/2005)

3. Conditionally Permitted Uses:

- a. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.
- b. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- c. Private cemeteries as regulated in Article VI, Section 6.04-12:
- d. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis courts and other similar outdoor recreational facilities and/or uses as regulated in Article VI, Section 6.04-8.
- e. Telecommunications towers as regulated in Article VI, Section 6.04-15.
- f. Placement and operation of outdoor burning furnaces. (8/5/2006)

4. Accessory Uses:

Accessory uses, buildings or structures customarily incidental to any permitted or conditionally permitted uses, including but not limited to the following uses:

- a. Family swimming pools as regulated in Article VII, Section 7.13.
- b. Home occupations as regulated in Article VII, Section 7.03-3.
- c. Satellite dish antennas as regulated in Article VII, Section 7.03-2.

5. Off-Street Parking:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.

6. Density, Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

Section 4.08 R-2 Residence District

1. Purpose:

The purpose of this district is to provide for one family and two family dwelling units in areas that are, or may reasonably be expected to be served by centralized sewer and water facilities. The R-2 Residential Districts are designed to be located in close proximity to the higher density R-3 Residence District.

2. Permitted Uses:

- a. Only one (1) single-family dwelling, including a Two (2) or more car garage of at least Four Hundred (400) square feet either attached or detached, and/or accessory buildings. (10/13/2005)
- b. Two Family Dwelling Units

3. Conditionally Permitted Uses:

- a. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.
- b. Day care centers, nurseries and day schools as regulated in Article VI, Section 6.04-5.
- c. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- d. Nursing homes, rest homes, retirement homes and housing for the elderly as regulated in Article VI, Section 6.04-9.

- e. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis courts and other similar outdoor recreational facilities and/or uses as regulated in Article VI, Section 6.04-8.
- f. Telecommunication towers as regulated in Article VI, Section 6.04-15.
- g. Placement and operation of outdoor burning furnaces. (8/5/2006)

4. Accessory Uses:

Accessory uses, buildings or structures customarily incidental to any permitted or conditionally permitted uses, including but not limited to the following uses:

- a. Family swimming pools as regulated in Article VII, Section 7.13.
- b. Home occupations as regulated in Article VII, Section 7.03-3.
- c. Satellite dish antennas as regulated in Article VII, Section 7.03-2.

5. Off-Street Parking:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.

6. Density, Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

Section 4.09 R-3 Residence District

1. Purpose:

The purpose of this district is to provide rental-housing accommodations for persons desiring apartments in place of home ownership. The R-3 Residence District serves as a transitional zone between medium and low-density residential districts and non-residential districts. This zone is designed for locations served by centralized sewer and water facilities and bordering major arterial or collector roads.

2. Permitted Uses:

- a. Apartment buildings not to exceed six (6) dwelling units in any one building.

3. Conditionally Permitted Uses:

- a. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.

- b. Day care centers, nurseries and day schools as regulated in Article VI, Section 6.04-5.
- c. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- d. Nursing homes, rest homes, retirement homes and housing for the elderly as regulated in Article VI, Section 6.04-9
- e. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis courts and other similar outdoor recreational facilities and/or uses as regulated in Article VI, Section 6.04-8.
- f. Telecommunication towers as regulated in Article VI, Section 6.04-15.
- g. Placement and operation of outdoor burning furnaces. (8/5/2006)

4. Accessory Uses:

Accessory uses, buildings or structures customarily incidental to any permitted or conditionally permitted uses, including but not limited to the following uses:

- a. Home occupations as regulated in Article VII, Section 7.03-3.
- b. Satellite dish antennas as regulated in Article VII, Section 7.03-2.

5. Off-Street Parking:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII Section 7.25.

6. Density, Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

Section 4.10 OF Office District

1. Purpose:

The OF Office District is designed to accommodate office uses, office sales and specific personal services on Western Reserve Road and Youngstown-Pittsburgh Road (State Route 170). The uses in this district, when not a part of a Town Center District, may serve as transitional uses between Town Center Districts and R - Residence Districts.

2. Permitted Uses:

Business uses limited to the following:

- a. Health club or health spas.
- b. Childcare facilities.
- c. Medical Offices.
- d. Professional Offices.
- e. Banks and Financial Lending Institutions.
- f. Barber shops and beauty shops, permanent makeup and related beauty shop activity. (8-8-2018)
- g. Publicly owned buildings, exchanges, and public utility offices, excluding storage yards, transformer stations, substations or gas regulator stations.
- h. Social hall and related activities. (11-11-20)

3. Conditionally Permitted Uses:

- a. Churches and other places for religious worship as regulated in Article VI, Section 6.04-4.
- b. Governmentally owned and/or operated fire stations, schools, parks and recreational activities.
- c. Institutions for Medical Care, hospitals, clinics, sanitariums, convalescent homes, nursing homes, rest homes, retirement homes and Housing for the Elderly as regulated in Article VI, Section 6.04-9.
- d. Dog Kennels as regulated in Article VI, Section 6.04-6.
- e. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis courts, and other similar outdoor recreational facilities and/or uses as regulated in Article VI, Section 6.04-8.
- f. Telecommunication towers as regulated in Article VI, Section 6.04-15.

4. Off-Street Parking and Loading:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as

regulated in Article VII, Section 7.25.

- c. Off-Street Loading and Unloading as regulated in Article VII, Section 7.27.

5. Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

6. Supplementary District Regulations:

- a. Parallel access roads shall be provided as regulated in Article VII, Section 7.02.
- b. The outdoor storage of goods or materials shall be prohibited.
- c. Lighting shall be directed so as not to shine on adjacent properties.
- d. All points of ingress and egress shall be located no closer than one hundred fifty feet (150') from the intersection of any two (2) streets, measured from the street right-of-way line.
- e. A six-foot (6) high obscuring greenbelt shall be provided as regulated in Article VII, Section 7.16. The greenbelt shall be provided along the side and rear yards abutting an R Residential District or a residential development.
- f. Any existing structure occupied as a residence in the (OF) Office District shall be regulated as Article IV, Section 4.07. (10/13/2005)
- g. On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor and/or property owner must request a final on-site inspection by the zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations and post-construction best management practices (BMP's). The developer, contractor and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer, a certified as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

Section 4.11 Town Center District

1. Purpose:

The Town Center District encompasses the following areas as described on the official Zoning Districts Map: Center Road (State Route 224) and Clingan Road; Center Road (State Route 224) and Styme Road; Center Road (State Route 224) and Struthers Road. These areas are designed to have potential for new business expansion. The Town Center District should be protected to ensure its continuation as a principal retail shopping and service areas in close proximity for persons residing in adjacent residential areas.

It is the Township's goal to improve the aesthetic quality and traffic conditions in the Town Center District through improvements in landscaping, reduction in curb cuts, service access roads and other measures, in cooperation with the Ohio Department of Transportation.

2. Permitted Uses:

The following uses are permitted in a TC Town Center District subject to the submission of a site plan in accordance with the provisions of Article VII, General Provisions and Section 7.33:

- a. Any business whose principal activity is the sale of merchandise in an enclosed building.
- b. Movie theaters.
- c. Motels.
- d. Garden equipment and supply dealers.
- e. Gas Stations and Auto Repair Facilities.
- f. Computer outlets.
- g. Eating and drinking establishments with or without drive-up windows.
- h. Jewelry stores.
- i. Shopping center not to exceed forty thousand (40,000) square feet in floor area.
- j. Retail uses involving the sale of merchandise on the premises, including:
 - (1) Convenience stores.
 - (2) Food stores.
 - (3) Produce markets.
 - (4) Drug stores.
 - (5) Apparel and accessory stores.
 - (6) Hardware stores.
 - (7) Video rental stores.
 - (8) Florists.

- (9) Book, magazine and/or paper stores.
- (10) Gift shops.
- (11) Sewing, piece goods stores.
- (12) Banks and other lending institutions.
- (13) Barber shops and beauty shops, permanent makeup and related beauty shop activity.(06/08/2012)
- (14) Dry Cleaners.
- (15) Shoe Repair.

3. Conditionally Permitted Uses:

- a. Assembly halls, Bowling alleys, indoor tennis courts, indoor skating rinks or similar forms of indoor recreation when located within one hundred (100) feet of any property line in an adjacent residential district, subject to site plan approval by the Zoning Commission as required in Article VII, Section 7.33.
- b. Auto-marts, automobile service centers and gasoline service stations as regulated in Article VI, Section 6.04-1.
- c. Car washes as regulated by Article VI, Section 6.04-2.

4. Off-Street Parking and Loading:

- a. Off-Street Parking Requirements as regulated in Article VII, Section 7.24.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.
- c. Loading and Unloading as regulated in Article VII, Section 7.27.

5. Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing the minimum yard setback requirements.

6. Supplementary Regulations:

- a. Parallel access roads shall be provided as regulated in Article VII, Section 7.02.
- b. The outdoor storage of goods or materials shall be prohibited.
- c. Lighting shall be directed so as not to shine on adjacent properties.
- d. Any existing structure occupied as a residence in the (TC) Towns Center District shall be regulated as Article IV, Section 4.07. (10/13/2005)
- e. On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor and/or property owner must request a final on-site inspection by the

zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations and post-construction best management practices (BMP's). The developer, contractor and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer, a certified as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance.

Section 4.12 BP Business Park District

1. Purpose:

The BP Business Park District is established to provide desirable, useable space for industrial development; ensure proper use and appropriate development of each building site; to guard against the erection of structures built of improper or unsuitable materials; to prevent the unsightly development of building sites; to secure and maintain proper setbacks from streets, and adequate open spaces between structures; and in general provide for high quality improvements in the district.

2. Permitted Uses:

The following uses are permitted in a BP Business Park subject to the submission of a site plan in accordance with the provisions of Article VII, Section 7.33:

- a. Offices and back office operations.
- b. Warehouse and distribution centers.
- c. Light Manufacturing, including the compounding, assembly or treatment of articles such as, but not limited to:
 - (1) Leather, textiles, cloth, wire, plastic, paper, cardboard, cork, glass, precious or semi-precious metals;
 - (2) Musical instruments, toys, novelties, metal and rubber stamps, or other molded rubber products;
 - (3) Household appliances, computers, electronic communications equipment, electrical appliances, electronic instruments and devices; and
 - (4) Repair of light sheet metal products, including heating, ventilating and air conditioning units.
- d. Research and development activities.
- e. Recreational activities, health spas.
- f. Incubator spaces for new business start-ups.
- g. Restaurants.

3. Conditionally Permitted Uses:

- a. Day care centers, nurseries and day schools as regulated in Article VI, Section 6.04-5.
- b. Mini-warehouses as regulated in Article VI, Section 6.04-10.
- c. Quarrying and mining types of surface, subsurface, boring, solution and pressurized liquid/steam extraction mining of minerals or materials as regulated in Article VI, Section 6.04-13.
- d. Truck terminals as regulated in Article VI, Section 6.04-1.

4. Off-Street Parking and Loading:

- a. Off-Street Parking Requirements as regulated in Article VII, Sections 7.25.
- b. Off-Street Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.26.
- c. Loading and Unloading as regulated in Article VII, Section 7.26.

5. Lot Area and Dimensional Requirements:

See Section 4.14, "Schedule of Regulations," limiting the maximum height and bulk of buildings, the minimum lot area, and the maximum density permitted, and establishing minimum yard setback requirements.

6. Supplementary Regulations:

- a. A site plan shall be prepared in accordance with the requirements of Article VII, Section 7.33, for review and approval by the Zoning Commission.
- b. Outdoor storage areas shall be enclosed on all sides by an obscuring fence or wall at least six feet (6') in height. A greenbelt fifteen feet (15') wide shall be provided on the outside face of the fence or wall where the side or rear lot line abuts onto a Residential District or a residential development.
- c. Established routes for truck movements into and out of the industrial park shall be indicated in such a way that it will minimize the deterioration of county and township roads.
- d. All exterior on-site utilities, including, but not limited to drainage systems, sewer and water lines, gas lines, electric, telephone and communication wires and equipment, shall be installed and maintained underground.
- e. Any part of a Business Park District bordering areas developed or zoned for residential use shall require the submission of a plan showing building setback, landscaping and other design features to be implemented on those sides of the business park site bordering areas developed or zoned for residential use. A minimum of fifteen percent (15%) of the total lot area shall be devoted to landscaping. A larger percentage is encouraged particularly along the street right-of-ways.

A ten-foot (10') wide continuous greenbelt is to be provided along all side and rear lot lines planted in accordance with the requirements set forth in Article VII, Section 7.16.

- f. Any existing structure occupied as a residence in the (BP) Business Park District shall be regulated as Article IV, Section 4.07. (10/13/2005)
- g. On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor and/or property owner must request a final on-site inspection by the zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations and post-construction best management practices (BMP's). The developer, contractor and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer, a certified as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance. (06/08/2012)

Section 4.13 Reserved for Other Districts

Section 4.14 Schedule of District Regulations

AG Agricultural

Minimum Lot Area:	20,000 square feet, where centralized sewer and water systems exist. Areas without centralized water or sewer shall have a minimum lot area of 32,600 square feet per dwelling unit and have a minimum lot width of one hundred twenty-five feet (125') unless a larger lot size is required by the Mahoning County Health Department. (10/13/2005)
Minimum Lot Width:	100 feet
Minimum Yard Setback:	
Front Yard:	50 feet
Side Yard:	10 feet
Rear Yard:	40 feet
Corner Lot Setback:	
Secondary Street	20 feet (10/13/2005)
Minimum Floor Area per D.U.:	1,500 square feet
Maximum Building Coverage:	25%
Maximum Building Height:	35 feet
Stories:	2

E Estate

Minimum Lot Area:	2 acres, where centralized sewer and water systems exist. Areas without centralized water or sewer shall have a minimum lot area of 2 acres per dwelling unit and have a minimum lot width of one hundred twenty-five feet (125') unless a larger lot size is required by the Mahoning County Health Department. (10/13/2005)
Minimum Lot Width:	175 feet
Minimum Yard Setback:	
Front Yard:	100 feet
Side Yard:	25 feet; provided that where a side yard faces a rear yard or a side yard faces a front yard across a common separating street, the side yard abutting the street shall not be less than the minimum front yard setback of the district in which the lot is located.
Rear Yard:	50 feet
Corner Lot Setback:	
Secondary Street	50 feet (10/13/2005)
Minimum Floor Area per D.U.:	2,500 square feet
Maximum Building Coverage:	25%
Maximum Building Height:	35 feet
Stories:	2

R-1 Residence

Minimum Lot Area: 20,000 square feet, where centralized sewer and water systems exist. Areas without centralized water or sewer shall have a minimum lot area of 32,600 square feet per dwelling unit and have a minimum lot width of one hundred twenty-five feet (125') unless a larger lot size is required by the Mahoning County Health Department. (10/13/2005)

Minimum Lot Width: 100 feet

Minimum Yard Setback:

 Front Yard: 50 feet

 Side Yard: total of twenty feet (20') with one side yard having not less than (7') feet. (08/05/2006)

 Rear Yard: 40 feet

Corner Lot Setback:

 Secondary Street 20 feet (10/13/2005)

Minimum Floor Area per D.U.: 1,250 square feet

Maximum Building Coverage: 25%

Maximum Building Height: 35 feet

Stories: 2

R-2 Residence

Minimum Lot Area: 20,000 square feet, where centralized sewer and water systems exist. Areas without centralized water or sewer shall have a minimum lot area of 32,600 square feet per dwelling unit and have a minimum lot width of one hundred twenty-five feet (125') unless a larger lot size is required by the Mahoning County Health Department. (10/13/2005)

Minimum Lot Width: 85 feet

Minimum Yard Setback:

 Front Yard: 50 feet

 Side Yard: total of twenty feet (20') with one side yard having not less than (7') feet. (08/05/2006)

 Rear Yard: 30 feet

Corner Lot Setback:

 Secondary Street 20 feet (10/13/2005)

Minimum Floor Area per D.U.: 1,000 square feet

Maximum Building Coverage: 25%

Maximum Building Height: 35 feet

Stories: 2

R-3 Residence

Minimum Lot Area: 32,600 square feet shall be required for each four dwelling unit apartment building. Areas without centralized water or sewer shall have a minimum lot area of 32,600 square feet per dwelling unit and have a minimum lot width of one hundred twenty-five feet (125') unless a larger lot size is required by the Mahoning County Health Department. (10/13/2005)

Minimum Lot Width: 125 feet

Minimum Yard Setback:

 Front Yard: 50 feet

 Side Yard: 25 feet

 Rear Yard: 40 feet

Corner Lot Setback:

 Secondary Street 50 feet (10/13/2005)

Minimum Floor Area per D.U.: 950 square feet

Maximum Building Coverage: 25%

Maximum Building Height: 35 feet

Stories: 2

OF Office

Minimum Lot Area: 30,000 square feet

Minimum Lot Width: 100 feet

Minimum Yard Setback: 130 feet

 Front Yard: 30 feet, measured from the edge of the service road pavement. Off street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Zoning Commission provided that there shall be maintained a landscaped setback of ten feet (10') wide between the road right-of-way line and the edge of the service road pavement.

 Side Yard: 25 feet

 Rear Yard: 25 feet; off-street loading space shall be provided in the rear yard in addition to any required off-street parking area. Off-street loading areas shall be provided according to the requirements set forth in Article VII, Section 7.26. All side and rear yards abutting an (AG) Agricultural, (E) Estate, (R-1) Residential, (R-2) Residential or (R3) Residential District, shall be at least one hundred feet in width to include a landscaped greenbelt at least twenty feet (20') in width (10/13/2005)

Minimum Floor Area per D.U.:

Maximum Building Coverage:

Maximum Building Height: 35 feet
Stories: 2

TC Town Center

Minimum Lot Area: 30,000 square feet
Minimum Lot Width: 100 feet
Minimum Yard Setback: 130 feet
 Front Yard: 30 feet, measured from the edge of the service road pavement. Off street parking shall be permitted to occupy part of the required front yard after approval of the parking plan layout and points of ingress and egress by the Zoning Commission provided that there shall be maintained a landscaped setback of ten feet (10') wide between the road right-of-way line and the edge of the service road pavement.
 Side Yard: 25 feet
 Rear Yard: 25 feet; off-street loading space shall be provided in the rear yard in addition to any required off-street parking area. Off-street loading areas shall be provided according to the requirements set forth in Article VII, Section 7.26. All side and rear yards abutting an (AG) Agricultural, (E) Estate, (R-1) Residential, (R-2) Residential or (R-3) Residential District, shall be at least one hundred feet in width to include a landscaped greenbelt at least twenty feet (20') in width. (10/13/2005)

Minimum Floor Area per D.U.:
Maximum Building Coverage:
Maximum Building Height: 35 feet
Stories: 2

BP Business Park

Minimum Lot Area: 30,000 square feet
Minimum Lot Width: 100 feet
Minimum Yard Setback: 130 feet
 Front Yard: 100 feet
 Side Yard: Side and rear yards shall be equal to at least the average height of the various heights of the industrial masses, including exterior roof components required for plumbing, processing, heating and ventilating systems, but never fewer than twenty-five feet wide. All side and rear yards abutting onto an AG, Estate, R-1, R-2 or R-3 Residence District shall be at least one hundred feet wide and provided with a landscaped greenbelt at

least fifty feet (50') in width. A six-foot (6') high fence within a twenty-foot (20') wide greenbelt shall be provided along those side and rear lot lines abutting a residential development. Parking shall be restricted to the side and rear yards. When parking is planned for side and rear yards abutting a public road, the parking plan layout and points of ingress and egress shall be reviewed and approved by the Zoning Commission. (Date 10/13/2005)

Rear Yard:

Side and rear yards shall be equal to at least the average height of the various heights of the industrial masses, including exterior roof components required for plumbing, processing, heating and ventilating systems, but never fewer than twenty-five (25) feet wide. All side and rear yards abutting onto an AG, Estate, R-1, R-2 or R-3 Residence District shall be at least one hundred feet wide and provided with a landscaped greenbelt at least fifty feet (50') in width. A six-foot (6') high fence within a twenty-foot (20') wide greenbelt shall be provided along those side and rear lot lines abutting a residential development. Parking shall be restricted to the side and rear yards. When parking is planned for side and rear yards abutting a public road, the parking plan layout and points of ingress and egress shall be reviewed and approved by the Zoning Commission.

Minimum Floor Area per D.U.:

Maximum Building Coverage:

Maximum Building Height:

Stories:

35 feet

2

ARTICLE V

SPECIAL DISTRICTS

Section 5.01 Residential Planned Unit Development District

1. Purpose:

The intent of this Section is to permit one-family open space cluster developments and business developments by allowing certain modifications to be made to the Standard Residential District regulations as set forth in Article IV, Section 4.14.

2. Permitted Districts:

Residential Planned Unit Developments shall only be permitted in the following Districts:

- a. AG Agricultural District
- b. E Estate District
- c. R-1 Residence District
- d. R-2 Residence District

3. Permitted Uses:

Any of the permitted uses or conditionally permitted uses in the district in which the proposed Residential Planned Unit Development is located.

4. Minimum Parcel Size: Five (5) acres. (8-8-2018)

5. Maximum Density:

The dwelling unit density of the Residential Planned Unit Development shall not exceed four (4) dwelling units per acre.

6. Maximum Building Height: Thirty-five feet (35')

7. Common Open Space:

- a. Any lot within the Residential Planned Unit Development not abutting common open space shall have access to and shall be no more than five hundred feet (500') from such common open space.

- b. At least thirty percent (30%) of the total gross acreage of the Residential Planned Unit Development, minus the structures, shall be devoted to common open space designed to provide active recreation, passive recreation and the preservation of natural site amenities or any combination thereof.
- c. The buildings, structures and improvements to the common open space area must be appropriate to the uses, which are authorized for the common open space area having regard to its topography and unimproved conditions.
- d. Public utility and similar easements and right-of-ways for water courses and other drainage channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a walking or bicycle trail and has been approved by the Zoning Commission and the Trustees. Areas necessary for compliance with health, safety, fire and building codes; streets; driveways; and/or parking areas shall not constitute any part of the required open space.
- e. The responsibility for the maintenance of all common open space areas shall be specified by the developer in writing before approval of the final development plan by the Zoning Commission and the Trustees. The required amount of common open space reserved under a Residential Planned Unit Development shall be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development; or shall be dedicated to a homeowners association that shall have title to the land to be retained as common open space for parks, recreation and related uses.

8. Landscape Buffer

A landscaped buffer no less than twenty-five foot (25') wide shall be provided between any dwelling unit or accessory structure and the boundary line of the Residential Planned Unit Development District.

9. Minimum Floor Area Per Dwelling Unit: Seven Hundred and Twenty (720) square feet.

10. Off -Street Parking:

- a. One (1) garage per dwelling unit.
- b. Parking Requirements as regulated in Article VII, Section 7.24.
- c. Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.

11. Utilities:

All utilities shall be provided underground in accordance with the design and improvement specifications of the Mahoning County Subdivision Regulations.

Section 5.02 Business Planned Unit Development District

1. Purpose:

The intent of this Section is to provide variety and flexibility in the planning and layout of office and business developments designed to meet the needs of the Township while still preserving the health, safety and general public welfare of the residents of the Township.

2. Permitted Districts:

A Business Planned Unit Development shall only be permitted in the following Districts:

- a. OF Office District
- b. TC Town Center District

3. Permitted Uses:

Any of the permitted uses or conditionally permitted uses in the district in which the planned office/business development is located.

4. Minimum Parcel Size: Fifteen (15) acres.

5. Maximum Building Height: Thirty-five feet (35').

6. Off-Street Parking and Loading:

- a. Parking Requirements as regulated in Article VII, Section 7.24.
- b. Parking Space Layout, Construction and Maintenance Standards as regulated in Article VII, Section 7.25.
- c. Off-Street Loading and Unloading as regulated in Article VII, Section 7.27.

7. Area and Dimensional Requirements:

The rear yard shall be no fewer than fifty feet (50') from the property line. The side yard shall be no fewer than twenty-five feet (25') from the property boundary. Notwithstanding the foregoing, the minimum requirements for any side and rear yard abutting an AG, Estate, R-1, R-2 or R-3 residential district shall be doubled.

8. Common Open Space:

- a. Each property development shall abut common open space.
- b. A minimum of fifteen percent (15%) of the total gross acreage shall be dedicated to common open space.
- c. Public utility easements and right-of-ways for watercourses and other drainage channels are not acceptable for common open space dedication unless such land or right-of-way is used in the design of a plaza, courtyard or pedestrian way as approved by the Zoning Commission and the Trustees.
- d. Areas necessary for compliance with health, safety, fire and building codes; streets; service access roads; driveways; and/or off street parking lots shall not constitute any part of the required common open space.
- e. The responsibility for the maintenance of all common open space areas shall be specified by the developer in writing before approval of the final development plan by the Zoning Commission and the Trustees. The required amount of common open space reserved under a Business Planned Unit Development shall be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or shall be dedicated to a homeowners association that shall have title to the land which shall be retained as common open space for parks, recreation and related uses.

9. Landscape Buffer:

A landscape buffer no less than twenty-five feet (25') wide shall be provided between any dwelling unit or accessory structure and the boundary line of the Business Planned Unit Development District.

10. Parking Requirements:

All permitted and conditionally permitted uses in a Business Planned Unit Development District shall comply with the minimum parking requirements set forth in Article VII, Sections 7.25, 7.26 and 7.27.

11. Utilities:

All utilities shall be provided underground in accordance with the design and improvement specifications of the Mahoning County Subdivision Regulations.

12. Arrangement of Land Uses:

- a. Office and business buildings shall be planned as groups sharing common parking lots, common open spaces, service access roads, ingress and egress points.
- b. The development plan submitted to the Zoning Commission for approval shall clearly show an integrated and harmonious arrangement of structures, common open space areas, off-street parking and vehicular circulation patterns, landscaping, land contouring, lakes and streams, drainage systems, and any other feature intended to create a Business Planned Unit Development District that will be harmonious with surrounding developments.

Section 5.03 Business Park Planned Unit Development District

1. Purpose:

The intent of the Business Park Planned Unit Development District is to provide flexibility in the design of a comprehensively planned environment that accommodates a range of activities from employment-based office and industrial activities to warehousing and distribution services. Environmental protection and enhancement are emphasized.

2. Permitted Districts:

Business Park Planned Unit Development Districts shall only be permitted in the Business Park District.

3. Permitted Uses:

Any of the permitted uses or conditionally permitted uses in the Business Park Planned Unit Development District.

4. Minimum Parcel Size: Twenty (20) acres.

5. Maximum Building Height: Forty-five feet (45').

6. Area and Dimensional Requirements:

The rear yard shall be no fewer than fifty feet (50') from the property line. The side yard shall be no fewer than twenty-five feet (25') from the property boundary. Notwithstanding the foregoing, the minimum requirements for any side and rear yard abutting an AG, Estate, R-1, R-2 or R-3 residential district shall be doubled.

7. Common Open Space:

- a. Each property development shall abut common open space.
- b. At least fifteen percent (15%) of the total gross acreage shall be dedicated to common open space.
- c. Public utility easements and right-of-ways for watercourses and other drainage channels are not acceptable for common open space dedication unless such land or right-of-ways are used in the design of a plaza, courtyard or pedestrian way as approved by the Zoning Commission and the Trustees.
- d. Areas necessary for compliance with health, safety, fire and building codes; streets; service access roads; driveways; and/or off street parking lots shall not constitute any part of the required common open space.
- e. The responsibility for the maintenance of all common open space areas shall be specified by the developer in writing before approval of the final development plan by the Zoning Commission and the Trustees. The required amount of common open space reserved under a Business Park Planned Unit Development District shall be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or shall be dedicated to a homeowners association that shall have title to the land which shall be retained as common open space for parks, recreation and related uses.

8. Landscape Buffer:

A landscape buffer no less than twenty-five feet (25') wide shall be provided between any structure and the boundary line of the Business Park Planned Unit Development.

9. Parking Requirements:

All permitted and conditionally permitted uses in a Business Planned Unit Development District shall comply with the minimum parking, loading and unloading requirements set forth in Article VII, Sections 7.25, 7.26 and 7.27.

10. Utilities:

All utilities shall be provided underground in accordance with the design and improvement specifications of the Mahoning County Subdivision Regulations.

11. Arrangement of Land Uses:

- a. Industrial uses shall be developed in park-like surroundings with landscaping and any existing woodlands or other features used as buffers to screen lighting,

off-street parking lots, loading or unloading areas, outdoor storage of raw materials and/or finished products from view from outside the district.

- b. Streets serving the district shall be kept to a minimum.
- c. The development plan submitted to the Zoning Commission for approval shall clearly show an integrated and harmonious arrangement of structures, common open space areas, off-street parking and vehicular circulation patterns, landscaping, land contouring, lakes and streams, drainage systems, and any other feature intended to create a Business Park Planned Unit Development that will be compatible with surrounding developments.

12. Supplemental District Regulations:

- a. On-site surface drainage retention/detention areas and calculations must be presented to the Township Zoning Office as part of the site development plan for review by the office of the Mahoning County Engineer. The developer, contractor and/or property owner must request a final on-site inspection by the zoning inspector of the required and approved storm water management improvements including retention, detention, grading, final elevations and post-construction best management practices (BMP's). The developer, contractor and/or property owner may be required at the discretion of the zoning inspector to submit for review by the Mahoning County Engineer, a certified as-built drawing(s) depicting and/or a construction certification letter assuring storm water management compliance. (06/08/2012)

Section 5.04 Amendment Procedure for Rezoning

1. Pre-application Meeting:

The developer shall meet with the Zoning Inspector and the Zoning Commission prior to submission of a Preliminary Planned Unit Development Plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

2. Preliminary Planned Unit Development Plan Application:

An application for Preliminary Planned Unit Development Plan approval shall be filed with the Zoning Inspector by at least one (1) owner of property for which the Planned Unit Development Plan is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- a. Name, address and phone number of the applicant.

- b. Name, address and phone number of the registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
- c. Written request for the zoning change.
- d. Vicinity map showing the location of the proposed development in relationship to surrounding streets.
- e. Legal description of the property.
- f. Existing use of the property.
- g. Existing and proposed zoning district designation.
- h. A Preliminary Planned Unit Development Plan at a scale approved by the Zoning Inspector showing topography at ten foot (10') intervals; location and type of residential, business and industrial land uses; layout and dimensions, and names of existing and proposed streets; right-of-ways, utility easements, open space areas, parks and community facilities; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage systems, electricity, telephone, and natural gas; and such other characteristics as the Zoning Commission may deem necessary.
- i. Proposed schedule for the phased development of the site.
- j. Evidence that the applicant has sufficient control over the land to initiate the proposed development plan within a two (2) year period.
- k. Pay a filing fee as established by the Trustees.
- l. A list containing the names and mailing addresses of all owners of property within five hundred feet (500') of the property to be developed for a PUD Planned Unit Development.
- m. Verification by the developer that all information in the application is true and correct to the best of his/her knowledge.
- n. A written statement by the developer setting forth the reasons why, in his/her opinion, the PUD Planned Unit Development would be in the public interest and would be consistent with the stated intent of these requirements.
- o. All areas intended for future expansion in a Planned Unit Development District shall be clearly indicated and a proposal for keeping such areas in an orderly, attractive manner shall be a part of the submittal.

3. Action by Zoning Commission

The Zoning Commission shall schedule a public hearing and take action on the application for approval of a Preliminary Planned Unit Development Plan according to the amendment procedure set forth in Section 519.12 of the Ohio Revised Code.

4. Submission of Final Planned Unit Development Plan:

After approval of the Preliminary Planned Unit Development Plan, the developer shall submit a Final Planned Unit Development Plan to the Zoning Inspector. The Final Planned Unit Development Plan shall generally conform to the approved Preliminary Planned Unit Development Plan.

For the purposes of this Resolution, the submission of the Final Planned Unit Development Plan is a formal request for rezoning of the property in question. Seven (7) copies of the final development plan shall be submitted and shall be endorsed by a qualified professional team comprised of a registered land surveyor, registered architect and registered civil engineer.

5. Final Planned Unit Development Plan Application:

The owner of the property proposed for the Planned Unit Development shall file an application for approval of the Planned Unit Development Plan with the Zoning Inspector. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of approval of the rezoning. At a minimum, the application shall contain the following:

- a. A survey of the proposed site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing natural features, including major wooded areas; structures, streets, easements, location of underground utility lines, and land uses.
- b. All of the information shown on the approved Preliminary Planned Unit Development Plan including the location and sizes of lots; location and proposed density of dwelling units proposed for the residential section of the development; total site area covered by buildings for the proposed residential, business and industrial sections of the development; and land uses considered suitable for adjoining properties.
- c. A construction schedule for the development of dwelling units; a description of the design principles for buildings and streetscapes; a tabulation of the number of acres devoted to proposed land uses, number and type of dwelling units, estimated residential population by type of dwelling unit, estimated traffic generated by the total development; anticipated construction time for each residential dwelling unit; maximum height of each building; common open space area designations; building coverage; location of parking areas; density of population; and public improvements, where the applicant proposes an exception from the standard zoning district requirements or other Resolutions governing development in the Township.
- d. An engineering feasibility study and plan showing water, sewer, drainage improvements, electricity, telephone and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development.
- e. Site plan showing location of buildings, various functional use areas, common open space areas, circulation systems, and their relationship.

- f. Preliminary building plans.
- g. Landscape plans.
- h. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas, which are to be commonly owned and maintained.
- i. Certification of compliance with all pertinent resolutions and codes relative to health, safety and well-being.
- j. A filing fee as established by the Trustees.

6. Action by the Zoning Commission:

- a. The Zoning Commission shall schedule a public hearing and take action on the application for approval of the Final Planned Unit Development Plan according to the amendment procedure set forth in Section 519.12 of the Ohio Revised Code.
- b. Before making its recommendation, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish the following:
 - (1) The Final Planned Unit Development Plan can be initiated within two (2) years from the date of approval of the rezone;
 - (2) Business or industrial uses can be justified at the location proposed.
 - (3) Any exception from standard district regulations is warranted by design and other amenities incorporated in the final development plan, consistent with the PUD Planned Unit Development District requirements and the need to provide a variety of living opportunities with regard to type and price of dwelling unit.
 - (4) The area surrounding said development could be planned and zoned in coordination and compatibility with the proposed development.
 - (5) The existing and proposed utility services are adequate for the population densities in a Residential Planned Unit Development District and the various types of business and industrial uses proposed on the Final Plan in a Business or Business Park Planned Unit Development District, respectively.

7. Action by the Trustees

The Trustees shall schedule a public hearing and take action on the application for approval of the Final Planned Unit Development Plan according to the amendment procedure set forth in Section 519.12 of the Ohio Revised Code.

8. Effect of Approval of Final Development Plan

In approving the Final Planned Unit Development Plan for a PUD Planned Unit Development District, both the Zoning Commission and the Trustees may prescribe appropriate conditions and safeguards in conformance with the purpose and intent of this Resolution. Any violation of such conditions or safeguards, which have been a part of the terms under which the Final Planned Unit Development Plan has been approved, shall constitute a violation of this Resolution and be subject to the enforcement penalties and remedies set forth in Article XIV, Sections 14.04 and 14.05.

9. Phasing and Changes of Approved Development Plan

Where more than twenty-four (24) months is required to complete a Final Planned Unit Development Plan, the development shall be constructed in phases and a phasing plan shall be submitted as a part of the application for a zone change. Changes may be required as work progresses on the construction of the phased development plan. The following requirements are imposed to address modifications to the phased development plan:

- a. The changed plans must meet the basic objectives and all regulations and requirements of this Resolution.
- b. All proposed changes must be submitted with complete documentation to the Zoning Commission for approval.

10. Performance Bond Requirement

A performance bond 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 right-of-ways or easements, water lines, sanitary sewers lines, storm sewers, and surface water drainage and other improvements integral to the proposed project shall be installed in conformity with the approved plans. Such bond 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. If the project will be developed in phases, the developer may elect to provide a single bond for all phases; or individual bonds equal to the construction of the

improvements for each specified phase. Bond must be renewed in an event that the phase(s) are not completed within two (2) years. (02/08/2012)

11. Violation

Violation of the permitted uses for a PUD Planned Unit Development District as approved, shall constitute a violation of this Resolution and be subject to the enforcement penalties and remedies set forth in Article XIV, Sections 14.04 and 14.05.

12. Conflicting Regulations

Whenever there is a conflict or difference between the regulations governing PUD Planned Unit Development Districts and other districts, the provisions governing PUD Planned Unit Developments in this Article shall govern.

ARTICLE VI

CONDITIONAL PERMITTED USE STANDARDS

Section 6.01 Purpose

The purpose of this Article is to provide design standards for certain specified uses and activities with regard to their location, size, operation, intensity of use, generation of traffic, ingress and egress and compatibility with other uses. Uses possessing these unique characteristics are established as conditionally permitted uses allowed through the issuance of a conditional zoning certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public health, safety and welfare.

Section 6.02 Procedure

1. Application Submitted to Zoning Inspector

An application for a conditional zoning certificate shall be made to the Zoning Inspector on a special form provided for this purpose. Each application shall be accompanied by the payment of a non-refundable fee.

2. Data Required With Application

The following data shall be submitted with the application for a Conditional Zoning Certificate:

- a. A site plan, plot plan or development plan of the entire property drawn to scale showing the location of all abutting streets, the existing structures adjoining the site, the types of proposed buildings and their use; and the acreage devoted to parking.
- b. Construction plans and specifications for the proposed development; and drainage plans.

3. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans, according to the standards established in this Resolution. Review by the Board of Zoning Appeals shall be completed and made public within forty-five (45) days from the date of submission.

4. Public Hearing

The Board of Zoning Appeals shall hold a public hearing on each application after at least one (1) 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.

5. Issuance of Conditional Zoning Certificate

Only upon the conclusion of public hearing procedures relative to a particular application and adequate review and study may the Board of Zoning Appeals issue a Conditional Zoning Certificate.

6. Resubmission of Application for Conditional Zoning Certificate

An application for a Conditional Zoning Certificate which has been denied by the Board of Zoning Appeals shall not be resubmitted until the expiration of one (1) year or more from the date of such denial. Application for reconsideration of a Conditional Zoning Certificate shall be accompanied by the required application fee.

The Board of Zoning Appeals may reconsider an application for a Conditional Zoning Certificate at any time upon evidence or proof of changed conditions.

Section 6.03 General Criteria for all Conditionally Permitted Uses

A Conditionally Permitted Use, and uses accessory to such Conditionally Permitted Use, shall be permitted in a zoning district only when specifically provided for in such zoning district, and only if such conditionally permitted use conforms to the following general standards in addition to the specific standards, conditions, and regulations for such conditionally permitted use as set forth in this Article and in the regulations for the zoning district in which such conditionally permitted use is to be located. The Board of Zoning Appeals is hereby authorized to review the particular facts and circumstances of each proposed conditionally permitted use in terms of the following standards in order to determine whether, by a preponderance of the evidence before the board, each proposed conditionally permitted use is consistent with the purpose, intent and planning objectives of the Township Land Use Plan, and with the regulations for the particular district in which it is to be located, as these are set forth in this Resolution implementing the Land Use Plan. Nothing in this Resolution shall prohibit the Zoning Commission and the Trustees from prescribing supplementary conditions and regulations in order to achieve the objectives established in this Article.

1. The proposed conditionally permitted use will be harmonious and in accordance with the purpose, intent and planning objectives of the Township Land Use Plan and with the regulations for the particular zoning district in which it is to be located, as these are set forth in this Resolution implementing the Land Use Plan;
2. The establishment, maintenance or operation of the proposed conditionally permitted use will not be detrimental to or endanger the public health, safety or general welfare;
3. The proposed conditionally permitted use 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 essentially change the character of the same area;
4. The proposed conditionally permitted use will not be hazardous or disturbing to the existing and future use and enjoyment of the property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the surrounding neighborhood;
5. The establishment of the proposed conditionally permitted use in the proposed location will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the zoning district;
6. Adequate utilities, access roads, sanitary and drainage facilities, and other reasonably necessary facilities have been or are being provided;
7. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion, proximity of access drives to street intersections relative to the anticipated volume of traffic;
8. The establishment of the conditionally permitted use shall not be detrimental to the economic welfare of the Township by creating excessive additional requirements at public cost to public facilities such as police, fire, and schools;
9. There is minimal potential for future hardship to the proposed conditionally permitted use that could result from its being surrounded by uses permitted as-of-right that may be incompatible;
10. The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the parking regulations pursuant to Article VII, Sections 7.25, Off-Street Parking Requirements, and shall provide for interconnecting circulation among adjacent parcels;

11. Conditionally permitted uses abutting properties in R-Residential Districts, or abutting residential properties in other zoning districts, shall be properly landscaped so as to be screened from surrounding residential areas and to be harmonious in appearance with such areas;
12. The proposed conditionally permitted use shall, in all other respects, conform to the applicable regulations of the district in which it is to be located as well as any specific supplemental conditions for such use as may subsequently be set forth in this Article.

Section 6.04 Design Standards

1. Auto-Marts, Automobile Service Centers, Gasoline Service Stations and Truck Terminals:

- a. Minimum Lot Area: Twenty Thousand (20,000) square feet.
- b. Minimum Lot Width: One hundred feet (100').
- c. Maximum Building Coverage of Total Lot Area: Fifty percent (50%).
- d. Underground storage tanks shall be placed above the floor surface of a below-grade vault and located not less than fifty feet (50') from the property line of any residential use. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.
- e. All buildings and storage areas shall be screened from adjacent residential property lines by a continuous and obscuring year-around greenbelt twenty feet (20') in width, and six feet (6') in height along those side and rear yards abutting onto residential property lines.
- f. All pump islands shall be located at least twenty-five feet (25') from the street right-of-way line.
- g. The surfaced area for motor vehicle movement and storage shall be paved with asphalt or concrete.
- h. All curb cuts shall be located no less than one hundred feet (100') from a street intersection, measured from the street right-of-way lines or the boundary lines of abutting residential districts. Curb cuts shall be limited to a specific number as approved by the Zoning Board of Appeals. Curb cuts shall not be more than twenty-four feet (24') in width.

- i. All repairs shall be conducted within an enclosed building.
- j. No vehicles shall be stored on the premises except those which are presently being worked on.

2. Automotive Car Washes:

- a. All buildings and activity areas shall be located fifty feet (50') from all residential property lines.
- b. Stacking space shall be provided outside the public right-of-way for the storage of at least thirty (30) motor vehicles.
- c. Curb cuts shall be located at least seventy-five feet (75') from any street intersection, measured from the street right-of-way lines.

3. Bed and Breakfast:

- a. Is conducted only by persons residing on the premises.
- b. Does not necessitate or cause the exterior appearance of the structure to be other than an one-family detached dwelling unit.
- c. Is clearly incidental and secondary to the principal use of the dwelling unit.
- d. Renovations or additions made to entrances and exits from guestrooms shall be in compliance with the Mahoning County Building Code and the State Fire Code.

4. Churches and other places for religious worship:

- a. Minimum Lot Area: Two (2) acres.
- b. Maximum Building Coverage of Total Lot Area: Twenty-five percent (25%).
- c. Minimum Lot Width: One hundred feet (100').
- d. Minimum Yard Setbacks:
 - (1) Front Yard: Thirty feet (30').
 - (2) Each Side Yard: Fifteen feet (15').
 - (3) Rear Yard: Forty feet (40').
- e. Maximum Building Height: Three (3) stories.

- f. Loudspeakers shall not be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to be used to broadcast outside any building.
- g. All exterior lighting shall be shielded so as not to shine onto adjoining properties.
- h. Points of ingress and egress shall be available only from major or collector thoroughfares and all driveways shall exit onto such streets.
- i. All points of ingress and egress shall be located no closer than one hundred feet (100') from the intersection of two streets.

5. Day Care Centers, Nurseries and Day Schools:

A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from any off-street parking lot. A total minimum area of five thousand (5,000) square feet of outdoor space shall be provided, screened from any adjoining residential property line by a fence or greenbelt, fifteen feet (15') in width and six feet (6') in height.

6. Dog Kennels:

- a. All buildings and other structures used for housing dogs or cats shall have access onto a major thoroughfare. Any structure used for a kennel shall be located fifty feet (50') from any property line.
- b. A six foot (6') wide greenbelt, six feet (6') in height, located along the outside face of the fence enclosing all outdoor exercise areas.
- c. No kennel shall exceed one thousand (1,000) square foot of floor area.

7. Gas, Oil Drilling and Brine Disposal: (Repealed 8-8-2018)

8. Privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis courts, riding academies and other similar outdoor recreational facilities and/or uses:

a. Site locations are preferred which offer natural or man-made barriers that would lessen the effect of intrusion into residential areas.

b. Minimum Lot Area:

(1) Golf Courses: Fifty (50) acres for a nine (9) hole course and one hundred (100) acres for an eighteen (18) hole course.

(2) Private Swim and/
or Tennis Clubs: Five (5) acres.

c. The front, side and rear yards shall be at least eighty feet (80') wide, and shall include a greenbelt fifteen feet (15') in width provided in accordance with the greenbelt requirements set forth in Article VII, Section 7.16.

d. Points of ingress and egress will be directly onto as major or collector thoroughfare and all driveways shall exit onto such streets.

e. All points of ingress and egress shall enter the street right-of-way at a point that is at least one hundred feet (100') from the intersection of two streets.

f. Exterior lighting shall be shielded so as not to shine onto adjacent residential properties.

g. Loudspeakers shall not be allowed outside of any building nor shall they be permitted to be used inside any building in a manner that they are designed or intended to be used to broadcast outside of such buildings.

h. Development features including principal buildings or accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent house lots. This shall mean that all principal or accessory buildings shall be located not less than one hundred (100) feet from any property line abutting a house lot.

i. All plans for storm sewers, sanitary sewers and water lines shall be reviewed and approved by the Mahoning County Engineer.

- j. No more than one (1) sign shall be located on each abutting road identifying an activity. Each sign shall be provided in accordance with the provisions of Article VII, Section 7.29.
 - k. Only retail uses, which are customarily accessory or incidental to the principal recreational use, shall be permitted, and may include such uses as refreshment, souvenir, and concession stands.
 - l. All facilities and structures shall be constructed in accordance with all Federal, State or County health, building, electrical or other codes.
 - m. All activities, programs and other events shall be directly related to the Conditional Use Certificate so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance to the surrounding properties, residences, or the community in general.
 - n. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general. A bond may be required to ensure that this provision will be met.
9. Institutions for Medical Care, Hospitals, Clinics, Sanitariums, Convalescent Homes, Nursing Homes, Rest Homes, Retirement Homes and Housing for the Elderly:

All facilities and structures shall be constructed in accordance with all Federal, State and County health, building, electrical or other codes. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general. A bond may be required to ensure that this provision will be met.

10. Mini-Warehouses:

- a. Storage items shall not include volatile liquids or substances such as oil, gasoline or other hazardous materials.
- b. Compartmentalized storage units shall not be used for any on-site or off-site business or industry.
- c. There shall be no more than three (3) buildings containing a total of twenty-two (22) storage units or lockers per building.
- d. Each independent storage unit or locker shall not be less than fifty (50) square feet and not exceed one hundred and twenty (120) square feet in size.
- e. The Township Fire Chief and the Mahoning County Building Codes and Permits Department shall review the fire protection systems for conformance to the Ohio

Basic Building Code (OBBC) prior to the review and approval of a conditional zoning certificate by the Board of Zoning Appeals.

11. Parochial and Private Schools:

- a. All structures shall be located at least one hundred feet (100') from all property lines.
- b. All points of ingress and egress shall be located no closer than seventy five feet (75') from the intersection of two (2) arterial roads, measured from the road right-of-way line.
- c. A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from any required off-street parking areas. Total outdoor play space shall have a minimum of five (5) acres.
- d. All conditionally permitted uses of the property shall comply with the exterior lighting requirements set forth in Article VII, Section 7.10.
- e. There shall be no more than one (1) sign located on each abutting road. Each sign shall be provided in accordance with the provisions of Article VII, Section 7.32.
- f. School sites shall be properly landscaped to be harmonious with surrounding residential properties.
- g. All facilities shall be constructed in accordance with all Federal, State or County health, building, electrical or other code.

12. Private Cemeteries:

- a. The minimum area required for a cemetery site is ten (10) acres.
- b. No business or commercial uses of any kind shall be permitted on the cemetery property except for office uses incidental to cemetery operations.
- c. All structures and burial grounds shall be located at least one hundred and ten feet (110') from all abutting residential properties.
- d. A greenbelt constructed according to the requirements set forth in Article VII, Section 7.16, shall be provided along those side lot lines of the cemetery site abutting onto a residential property line.
- e. All points of ingress and egress shall be located at least seventy-five feet (75') from the intersection of two (2) county or township roads, measured from the street/road right-of-way line.

- f. All points of ingress and egress shall be from a major state county or township road.
- g. Area drainage and/or sanitary facilities shall be subject to approval by the Mahoning County Board of Health prior to issuance of a Conditional Zoning Certificate.
- h. Only signs designating entrances, exits, traffic direction and titles shall be permitted.
- i. All facilities and structures shall be constructed in accordance with all federal, State or County health, building, electrical, or other codes.

13. Quarrying and mining of minerals or materials:

- a. All permitted quarrying and mining of minerals and materials shall meet or exceed the requirements set forth by the Chief of the Division of Mining and Reclamation, Ohio Department of Natural Resources, as prescribed in Chapter 1514 of the Ohio Revised Code.
- b. Plans for the mining and reclamation of the area affected shall include a statement that the future intended use of the site shall include only those uses permitted within the zoning district where the quarrying and mining site is located.

14. Sexually Oriented Businesses:

a. Purpose:

The provisions of this subsection are intended to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing, documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the down-grading of property values.

The 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 the citizens from increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry.

b. Conditional Use Certificate:

The Board of Zoning Appeals may issue a conditional use certificate for a sexually oriented business, as defined in Article II, Section 2.02, only in a TC Town Center District in each particular instance and only after such sexually oriented business use complies with the following conditions:

- (1) The proposed business use shall be located no closer than two thousand six hundred and forty feet (2,640') from the property line of any lot occupied by a residential dwelling unit; or used for a church, school, park or playground, neighborhood center, social services facility, child day care facility, extended care facility for the aged, historical building or use on the national register; an existing sexually oriented business use granted a conditional use certificate; or from the boundary line of any AG Agricultural, E-Estate, R-1, R-2 or R-3 Residence, or Planned Unit Development Zoning District; or the boundary line of a residential district in another local governmental unit abutting the Township.

- (2) The interior parts of any building used for viewing booths and viewing areas or used as an adult arcade, adult bookstore, adult video store, adult motion picture theatre, or adult theatre, singularly or in combination, shall be visible from a continuous main aisle open and absent by any curtain, door, wall or other enclosure.
- (3) No sexually oriented activities or materials may be sold, furnished, displayed to or involve any person under the age of eighteen (18) years of age.

15. Telecommunication Towers:

Authority is hereby granted by Section 519.211 of the Ohio Revised Code for the Trustees to regulate the location or placement of telecommunication towers in any residential area of the Township. Telecommunication towers shall be permitted subject to the following conditions:

- a. For the purposes of regulating telecommunication towers in residential districts, a telecommunication tower shall be considered as either a free-standing structure including antennas exceeding thirty-five (35') in height or an attached tower exceeding the height of the building or structure to which it is attached by more than twelve feet (12').
- b. A site plan as regulated in Article VII, Section 7.33 shall be provided, showing its location on the property and the design and painted color of the tower.
- c. No tower shall be constructed with lights and be painted red and white or in any other bright colors or configuration of colors except when specifically required by Federal law or regulation. When lighting fixtures are required by federal laws require lights, strobe lights shall not be used unless specifically required by Federal law or regulation.
- d. The tower site shall be a located at least five hundred feet (500') from the nearest property line except: (a) in those instances where a communications tower already exists on the same parcel that was constructed prior to January 1, 1999; or (b) where a proposed tower will be constructed at least one hundred feet (100') or more from an existing tower.
- e. The minimum setback line between the base of the tower and all adjacent property lines shall be equal to the height of the tower.

- f. The tower shall be sited and be of a design and color(s) that are in character with the immediate surrounding areas and aesthetically softening the tower's intrusion into adjacent residential areas. No advertising shall be permitted on a tower.
- g. The applicant shall demonstrate that the need for the proposed tower cannot be accommodated by co-locating systems on existing towers located in the Township or neighboring communities.
- h. Each tower shall be so designed and constructed to accommodate the addition and co-location of at least two (2) additional telecommunication systems.
- i. Upon abandoning a tower the applicant shall remove it within ninety (90) days from the date operations ceased to exist, otherwise the Township shall have the authority to remove the tower after the ninety (90) day period with the cost of removal billed to the applicant.

The Trustees shall permit a tower to be reconstructed, changed, altered or enlarged subject to the conditions of this section and Article XI, Section 11.05. In no event shall the Township permit an existing tower to be reconstructed, changed, altered, or enlarged that will substantially increase the tower's height.

16. Top Soil Removal:

- a. A reclamation plan shall be submitted showing the type of substitute material to be provided capable of self- regeneration and plant succession to support vegetation. Reclamation shall be progressive with removal to prevent erosion. The property owner shall designate the approximate date of completion of reclamation.
- b. The storage of topsoil from other sites shall be permitted only in the Business Park District.
- c. The property owner of any site that has been permanently graded of vegetation and other surface material shall be required to obtain a Conditional Use Certificate for the removal of the topsoil. The property owner shall furnish a performance bond in an amount not to exceed two thousand dollars (\$2,000.00) per acre to the Trustees, as a guarantee that such work shall be completed in a satisfactory manner.

17. Indoor Recreation Facilities:

Assembly halls, bowling alleys, indoor tennis courts, indoor skating rinks or similar forms of indoor recreation when located within one hundred feet (100') of any abutting residential use or lot shall be subject to approval of a site plan by the Zoning Commission as required in Article VII, Section 7.27.

Section 6.05 Actions to Prevent Violations of a Conditional Zoning Certificate

Where the applicant, upon receiving approval of a Conditional Zoning Certificate fails to comply with all of the safeguards, conditions or requirements of this Article VI, such safeguards, conditions or requirements shall be corrected within ten (10) days after the written order is issued or for a longer period of time as approved by the Zoning Inspector in the written order. Any safeguard, condition or requirement not corrected within the specified time period shall constitute a violation of this Resolution and be subject to the enforcement penalties and remedies as set forth in Article XIV, Sections 14.04 and 14.05.

Section 6.06 Continuation of Existing Uses Declared to be Conditionally Permitted

Any use existing at the time of enactment of this Resolution and conditionally permitted within its respective district as determined by the Zoning Board of Appeals under this Resolution, shall be issued a Conditional Zoning Certificate by the Zoning Inspector within one (1) year after the enactment of this Resolution.

ARTICLE VII

GENERAL PROVISIONS

Section 7.01 Scope of this Resolution

The provisions of this Resolution shall apply to all land in the Township, and no building, structure or part thereof, shall be erected, converted, reconstructed or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose, except in conformity with the provisions of this Resolution. Only uses specifically authorized by this Resolution shall be permitted. Any use so authorized shall not be allowed except as hereinafter expressly provided.

Section 7.02 Parallel Access Road and Driveway Standards

1. Parallel Access Road:

A parallel access road shall be constructed by the property owner of each lot in any OF Office and TC Town Center District fronting onto Center Road (State Route 224) according to the requirements prescribed below:

- a. A parallel access road twenty-four feet (24') wide extending for the entire width of the property shall be provided and setback no less than twenty feet (20') from the right-of-way line of any state, county or township road.
- b. The hard surface material, base and pavement thickness of parallel access roads shall conform to the specifications approved by the Mahoning County Engineer's office.
- c. Parallel access roads shall be surfaced with asphalt or concrete cement according to specifications approved by the Mahoning County Engineer.
- d. Design and construction standards related to required pavement base and thickness or geometric may be increased by the Mahoning County Engineer, depending upon the nature of the development and characteristics of expected traffic or average daily traffic (ADT).
- e. Entrance drives shall be located a distance of not less than five hundred and fifty feet (550') apart, measured from the centerline of the entrance drive intersecting any perpendicular local street or road and one thousand feet (1,000') apart, measured from the centerline of the entrance drive intersecting a state, county or township road.

- f. Entrance drives shall not exceed thirty-five feet (35') in width, measured from curb face to curb face.
- g. Off-street parking lots shall be setback ten feet (10') from the pavement edge of any parallel access road.
- h. Buffer strips or non-access reservation strips, intended to restrict access onto the parallel access road from abutting properties and shall be prohibited.
- i. The parallel access road shall provide for the continuation and projection of the road at a location suitable for the appropriate use of and contiguous to adjacent properties.

Section 7.03 Accessory Buildings and Uses

I. Accessory buildings

- a. Where the accessory building is structurally attached to the main building, it shall conform to all regulations of this Resolution applicable to the main building.
- b. Roadside stands provided for the commercial sale of farm grown products shall be located at least ten feet (10') back from the road right-of-way line.
- c. Accessory buildings for detached garages and domestic storage structures shall be setback at least five feet (5') from any side lot line and seven feet (7') from the rear lot line.
- d. Detached accessory buildings shall be located no closer than fifteen feet (15') from any main building and shall maintain a setback of at least five feet (5') from any side lot line and seven feet (7') from the rear lot line. In no case shall an accessory building be located within a dedicated easement or right-of-way.
- e. No detached accessory building in an AG Agricultural, Estate, R-1, R-2 or R-3 Residence Districts shall exceed one (1) story or fifteen feet (15') in height.
- f. Accessory buildings in a OF Office, TC Town Center or BP Business Park Districts may be constructed to equal the permitted maximum height of structures in said districts.

- g. Maximum Square Feet of Floor Area of a detached accessory building shall be as follows:

	<u>Square Feet</u>
a. AG Agricultural District:	1,000
b. E Estate District	750
c. R-1, R-2 and R-3 Residence Districts:	600

- h. Accessory buildings shall not project beyond the minimum required front, side or rear yard in any E Estate, R-1, R-2, R-3 Residence, OF Office, TC Town Center or BP Business Park District.

Where an accessory building is located on a corner lot, said building shall not project beyond the minimum front yard setback line on either street.

- i. No lot shall contain more than one accessory building with the exception of relief granted by the Board of Zoning Appeals. (8/5/2006)

2. Satellite dish antennas

Satellite dish antennas up to two feet (2') in diameter, when mounted on the ground and subject to the following requirements:

- a. All installations must comply with all minimum yard setback requirements specified for the district in which the installation is to be located.
- b. All installations must include screening treatments located along the antenna's non-reception window axes and low-level landscaping along the reception window axes of the antenna's base. Such landscape treatment shall completely enclose the antenna.
- c. Satellite dish antennas may be attached to the principal building or structure.
- d. Roof mounted satellite dish antennas up to twelve feet (12') in diameter shall not be located at a height that exceeds the maximum height restriction established for permitted uses within the zoning district where the installation is to be located.

3. Home Occupation:

a. Intent:

It is the intent of this section to permit certain home occupations as accessory uses in dwelling units, so long as they are clearly incidental and secondary to the use of the dwelling for residential purposes and do not change the character thereof or adversely affect the character of the residential area of which they are a part. In general, home occupation is an accessory use located and conducted so that the average neighbor, under normal circumstances, would not be aware of its existence.

b. Permitted Home Occupations:

The following list of permitted home occupations is illustrative of the type and scale of use which can normally be conducted within the limits of the restrictions established in this subsection; however, there may be similar uses not specifically listed which meet the intent and regulations of this Section, in which case they may be permitted at the discretion of the Board of Zoning Appeals. The following uses are permitted providing they comply with all of the provisions of this Section:

- (1) Artists, sculptors, photographers.
- (2) Authors, composers and musicians.
- (3) Clerical services.
- (4) Tailoring, dressmaking, seamstress.
- (5) Baby-sitting.
- (6) Instruction in music, dance or other type of teaching providing such instruction is limited to no more than two (2) pupils at a time.
- (7) The office of a minister, rabbi, priest, sales representative, manufacturer's representative, architect, engineer, contractor, realtor, broker, lawyer, insurance agent or similar professional, provided that such home occupations do not involve the presence of more than one (1) client vehicle at a time.

c. Prohibited Home Occupations

The following list includes those uses that are beyond the limits permitted for home occupations and therefore are prohibited:

- (1) Appliance repair, sales and service.
- (2) Automobile, vehicle, boat, trailer and lawn mower repair, sales or rental.
- (3) Barber and beauty shops.
- (4) Fireworks.
- (5) Medical, dental or veterinary clinics and offices.
- (6) Music, business, dancing, exercise, art or martial art schools, except as permitted in (b) above.
- (7) Restaurants and taverns.
- (8) Retail antique or gift shops.
- (9) Rooming houses.
- (10) Sale of firearms or ammunition.
- (11) Upholstering and furniture refinishing.

d. Performance Standards:

- (1) Family members residing on the premises and no more than one (1) employee shall be employed in the home occupation.
- (2) The home occupation shall occupy no more than twenty-five percent (25%) of the total square foot of floor area of the dwelling unit.
- (3) There shall be no exterior evidence of the occupation being conducted in the home, except as provided in subsection (7) below.
- (4) There shall be no structural modifications of the structure or garage, such as a separate business entrance, or construction of accessory structures on the property.

- (5) There shall be no exterior storage of goods, equipment or materials, and no emission of glare, noises, sounds, odors or vibrations.
- (6) There shall be no interference with radio or television receivers or fluctuation in line voltage caused by the operation of electrical or mechanical equipment.
- (7) There shall be no more than one (1) sign on the premises and it shall not exceed three (3) square feet and shall be attached to the dwelling unit. (10/13/2005)
- (8) The conduct of the home occupation shall not reduce or render unusable areas provided for required off-street parking for the dwelling unit.
- (9) There shall be no paving or modification of the front yard for parking other than the customary space used for a driveway.
- (10) Traffic generated by a home occupation shall not exceed on a continual basis the average volume normally expected for a residence in a residential development, which for the purposes of this Resolution, means up to ten (10) trips per day.
- (11) There shall be no retail or wholesale sale of goods on the premises, except for those goods that are produced on the premises.

4. Portable Garages.

- a. Portable garages are not to be construed as a structure, and are therefore prohibited within any zoning district.

Section 7.04 Intentionally Omitted

Section 7.05 Intentionally Omitted

Section 7.06 Corner Clearance

No fence, wall, greenbelt, or any other obstruction to vision above a height of two feet (2') from the established grade of a state, county or township road shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty feet (30') measured from their point of intersection.

Section 7.07 Intentionally Omitted

Section 7.08 Commercial Composting of Yard Waste

Commercial composting of yard waste, leaves, or any other like organic material shall be prohibited in the Township, unless done pursuant to a contract with the Township providing for disposal of such products.

Section 7.09 Exclusionary Nature of this Resolution

This Resolution shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Resolution in a zoning district or overlay zoning district shall be deemed to be a use which was intentionally excluded from the zoning district or overlay zoning district.

Section 7.10 Exterior Lighting

All lighting fixtures for parking areas or the external illumination of buildings or grounds shall be directed away from and shall be shielded from adjacent residential properties or residential districts and shall also be arranged so as not to adversely affect driver visibility on adjacent streets or roads. All lighting fixtures designed or placed so as to illuminate any portion of a lot shall meet the following requirements:

1. The light source shall be completely concealed within an opaque housing and shall not be visible from any street or road.
2. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type of lighting fixtures must be used for the same or similar types of lighting on any one site.
3. Fixtures must be mounted such a manner that the cone of light emitted from a sign does not cross any lot line.

Section 7.11 Driveway Setback and Construction Specifications

1. Driveways intersecting any class "A" curbed street shall be hard surfaced with concrete asphalt or concrete or brick pavement according to grade and pavement specifications approved by the Mahoning County Engineer's office.
2. Driveways shall be setback at least three feet (3') from any side lot line.
3. Driveway shall be setback at least five feet (5') from any side lot line in any platted subdivision with ten (10) or more lots.
4. All driveway setbacks must be free from any hard surface materials to include a minimum construction standard of grass, sod or turf. (06/08/2012)

Section 7.12 Exterior Mechanical Equipment

1. Exterior components of plumbing, processing, heating, cooling and ventilating systems in a BP Business Park District shall be screened by a greenbelt or a durable non-combustible enclosure designed as an integral part of the building. Exterior components shall not be directly visible from a height of five feet (5') above any ground floor elevation or visible from any Public Street or road.
2. Exterior mounted electrical equipment shall be mounted on the interior of a building wherever possible. When interior mounting is not practical, electrical equipment shall be mounted in a location where it is substantially screened from public view. In no case shall exterior electrical equipment be mounted on the front of a building facing a public street or road.
3. Roof mounted mechanical equipment shall be screened from view by parapet walls of such height that roof-mounted screening devices are not required.

Section 7.13 Swimming Pools

1. Family Swimming Pools
 - a. The depth within a family swimming pool shall be clearly marked on the surface of the pool.
 - b. Lighting shall be so arranged and shaded so as to reflect light away from adjoining properties and streets.
 - c. Commercial undertakings involving the retail sale of food, drinks or other merchandise shall be prohibited.

- d. The pool or yard shall be completely surrounded by a fence not less than six feet (6') high to prevent easy access from adjoining properties. The fence shall have a self-closing gate.
- e. The pool shall only be located in the rear yard of the lot with all components, including deck areas and patios located at least ten feet (10') from all property lines.
- f. Pools that are no longer useable shall be filled in or removed.

2. Temporary Pools

- a. Portable or inflatable pools may not be installed or erected prior to May 1 and shall be removed by October 1 of the same year.
- b. Portable or inflatable pools shall only be located in the rear of the lot with all components, including deck areas and patios, located at least ten feet (10') from all property lines.
- c. Lighting shall be so arranged and shaded so as to reflect light away from adjoining properties and streets.(10/13/2005)

Section 7.14 Fences and Walls

Fences and walls are subject to the following regulations:

1. A fence, wall, or fence post, including ornamental features, shall not be permitted to exceed a height of 6 feet 8 inches (6'8") above the existing finished grade. (10/13/2005)
2. An earthen mound shall not be permitted to support a fence or wall. Any earthen mound higher than the existing finished grade shall be considered as part of the maximum height requirement established for a fence or wall.
3. A fence, wall or fence post located between the street right-of-way line and the minimum building setback line shall not exceed a height of four feet (4'). (10-09-19)
4. A fence, wall or fence post shall not be located closer than fifteen feet (15') from any right-of-way line.
5. On a corner lot, a fence, wall or fence post shall not be located closer than twenty feet (20') from any right-of-way line. (10-09-19)
6. A fence, wall or fence post on lots of record in any R Residential District shall not contain barbwire, electric current or charge of electricity.

7. A fence, wall or fence post which enclose public or institutional uses such as parks, playgrounds or public landscaped areas, in any R Residential District, shall not exceed eight feet (8') in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.
8. All fences, walls or fence posts shall comply with the building code of the Mahoning County as it applies to fence installation and materials.
9. In all Districts all outstanding posts shall face the owner of the fence.

Section 7.15 Flood Zone Standards

All development activity in the Township shall conform to the standards governing floodplain protection zones identified by the Federal Emergency Management Agency (FEMA), and administered by the Mahoning County Planning Commission.

Section 7.16 Greenbelts

1. Purpose:

This section establishes minimum standards for the provision, installation and maintenance of landscape plantings in greenbelts to protect the character and stability of residential, business and industrial areas; safeguard property values, protect public and private investments; and, enhance the community's environmental and visual character.

The following standards shall be considered as the minimum requirements for the installation of all plant materials in greenbelts and perimeter landscape strips.

2. General:

Trees shall not be placed where they interfere with site drainage, or where they shall require frequent pruning in order to avoid interference with overhead power lines.

3. Standards for Landscape Materials:

a. Tree and Plant Standards:

- (1) Trees shall be a minimum of six feet (6') in height and shall have a minimum caliper of two and one-half inches (2 1/2").
- (2) Trees are to be of upright growth with good density to screen from view abutting business and industrial lots. Plants shall have a density with branches close to the ground level.
- (3) Plants shall be selected to match the site conditions in terms of light exposure, winds and soil conditions.
- (4) The removal of existing trees over five inches (5") in diameter shall be prohibited within any greenbelt area.

b. Plant Selections:

- (1) The following plant materials shall be used for greenbelt plantings: arborvitae, pines, spruces, firs, junipers, and some types of yews.
- (2) White pines shall be prohibited within greenbelt areas.

c. Tree Species Mix

When more than ten (10) trees are to be planted to meet the requirements of this ordinance, the number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted is indicated below:

Required Species Mix	
Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40+	4

d. Hedge Planting Standards:

Hedges shall form a solid continuous visual screen of at least four feet (4') in height immediately upon planting and shall be spaced eighteen inches (18") on center. Hedge plantings shall be maintained so as not to exceed a height of seven feet (7'). Exceptions and substitutions from this regulation may be approved by the Zoning Commission in order to promote the use of slow growing or native plant materials.

e. Maintenance:

Arrangements should be made for maintenance of plantings to keep them in a healthy and attractive condition. Plants used in the landscape design shall encourage low maintenance, high quality design.

f. Earth Mounding:

Earth mounds shall not exceed four feet (4') in height, or be any less than eighteen feet (18'), or more than thirty feet (30') in width. The slope of the berm shall not exceed a 3: 1 slope.

Arborvitae, pines, spruces and junipers may be used on earth mounds.

4. Landscaping Off-Street Parking Areas:

Off Street parking lots of more than twenty (20) spaces shall comply with the following landscape requirements:

- a. Off-Street parking lots designed to provide rows of parking shall include a continuous landscaped divider strip located on the dividing line between such rows of parking spaces. The divider strip shall have a width of not less than five feet (5'), shall be surrounded by a raised curb or wheel stops to prevent vehicular encroachment and shall be maintained in grass or other permanent year-around landscape materials. At least one (1) tree shall be placed in the divider strip for each ten (10) abutting parking spaces counted on one side of the divider strip. Trees of a two-inch (2") caliper or larger shall be surrounded by no less than forty (40) square feet of permeable soil area.
- b. Whenever an off-street parking lot abuts a street or road right-of-way, a perimeter landscape strip shall be created, extending along the length of the boundary between the parking lot and the right-of-way. Driveways to comply with the off-street parking provisions of this Resolution may pierce a perimeter landscape strip. The minimum width of the perimeter landscape strip shall be:
 - (1) Five feet (5') where the perimeter landscape strip abuts onto a street right-of-way.
 - (2) Ten feet (10') where it is deemed necessary to adequately buffer the parking from abutting residential properties.
- c. Earth mounds may be used in perimeter landscape strips with trees planted on the top of the berm in a single or staggered double row.

5. Greenbelts between Residential Lots and Business/Industrial Lots

- a. Whenever a lot used for residential purposes abuts a lot used for business, office or manufacturing purposes, a greenbelt at least ten feet (10') wide on center shall be provided, exclusive of that required for sidewalks or utility easements. One of the following types of options shall be used to adequately screen residential lots from properties used for business and industrial activities:
 - (1) The greenbelt shall be planted with evergreen trees at least six feet (6') in height and planted ten feet (10') on center; or hedges at least five feet (5') in height, and planted three feet (3') on center.
 - (2) A solid fence or earth mound shall be provided at least four feet (4') in height, above grade. When earth mounds are used to form a visual screen in conjunction with, a hedge or fence, such earth mound shall not exceed a

slope of thirty (30) degrees and shall be completely covered with shrubs and other living ground cover.

Shrubs used to form hedges shall be of a non-deciduous species, shall be a minimum of two feet (2') above the ground, and shall be spaced no more than twenty six inches (26") apart so as to form a continuous visual screen two and one-half feet (2 1/2') in height, at planting.

6. Greenbelts between Residential Lots and the Center Road (State Route 224) right-of-way
 - a. A greenbelt shall be required whenever lots in an R-3 Residential District face or back onto the Center Road (State Route 224) right-of-way.
 - b. The required greenbelt shall be twenty feet (20') wide, planted with twenty (20) evergreen trees, eight (8) shade trees, and thirty (30) shrubs, every one hundred (100) lineal feet.
 - c. A greenbelt will not be required in those instances where existing tree stands are to be preserved on parcels of land abutting the Center Road right-of-way.

Section 7.17 Inconsistencies

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent with one another, the more restrictive requirements shall be applicable.

Section 7.18 Lots, Yards and Open Spaces

1. The space counted or calculated as part of a side yard, rear yard, front yard or other open space for any proposed building or dwelling group, required by this Resolution, shall not, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or open space requirements of or for any other buildings or premises.
2. The side lot lines of a lot shall be perpendicular to the front lot line.

Section 7.19 Off Street Public Utility Equipment Siting

Public utility substations and facilities shall be completely screened from public view, and from the view of adjoining properties. A fence or solid wall shall be provided to obscure public utility transformer, communication and power substations. A greenbelt six feet (6') wide and six feet (6') high shall be provided along the outside face of a fence or solid wall.

Section 7.20 Prohibited Uses

The following uses shall be prohibited in the Township:

1. Asphalt manufacture or refinery operations.
2. Commercial incineration, treatment or remediation of any material, including, but not limited to, burning or heating soil or aggregate contaminated with petroleum products or any other pollutant or industrial waste.
3. Disposal, storage, shredding or processing of tires for commercial purposes.
4. Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals, or other refuses.
5. Fat rendering or the production of vegetable product by boiling or distillation.
6. Storage, treatment, incineration or disposal of the following types of waste products:
 - (a) "Infectious wastes" as currently defined by Section 3734.01(R) of the Ohio Revised Code;
 - (b) "Hazardous wastes" as defined in Section 3734.01(J) of the Ohio Revised Code;
 - (c) "Nuclear and radioactive wastes" as defined in Section 3734.01(R) of the Ohio Revised Code.

7. Junkyards, scrap yards or motor vehicle wrecking yards.
8. Manufacture or storage of creosote, production of fertilizers or pesticides for commercial purposes, roofing materials, rubber products or rubber reclamation, glue, gelatin, tanning, curing, processing of hides or animal skins, explosives including fireworks and matches.
9. Mobile homes on individual lots of record and mobile home parks.
10. New and Used Car establishments.
11. Petroleum refineries.
12. Process, manufacture, assembly or treatment of any hazardous use including, but not limited to such uses as the manufacture or bulk storage of poisonous gases.
13. Process, manufacture, incineration or treatment of liquid or gaseous wastes of an objectionable or polluting nature, defined as those wastes which adversely alter the bacteriological, chemical, physical composition or portability of the water or air creating a hazard, nuisance or detriment on-site or to the detriment of residents and property owners living in downstream or on any lake, stream or river.
14. Sanitary landfills.
15. Slaughterhouses.
16. Smelting of iron, tin, zinc or any other ore or ores.
17. Storage of crude oil or any of its volatile products or other highly flammable liquids in aboveground tanks.
18. Storage of second-hand materials, baling or treatment of garbage, junk, iron, rags, bottles and/or scrap paper.

Section 7.21 Junk Vehicles and Materials Prohibited

None of the following, which have been abandoned, wrecked, or dismantled shall be permitted to remain on the premises in any zoning district: automobiles, buses, motorcycles, trucks, tractors, boats, trailers, operating equipment, construction equipment, aircraft, furniture, or other miscellaneous material.

Section 7.22 Reserved for Additions

Section 7.23 Non-conforming Lots, Non-conforming Uses of Land, Nonconforming Structures, and Non-conforming Uses of Structures and Premises

1. Intent:

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

It is the intent of this Resolution to permit non-conforming lots, uses of land, structures and uses of structures and premises to continue until they are removed, but not to encourage their expansion or survival. Non-conforming use of land or of structures and land in combination are declared by this Resolution to be incompatible with permitted uses in the zoning districts in which such use is located.

The extension or enlargement of a non-conforming use of land, or a nonconforming use of a structure and land in combination shall require the approval of the Board of Zoning Appeals.

Nothing in this Resolution shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on in a diligent manner.

2. Single Non-conforming Lots of Record

In any zoning district in which a one-family detached dwelling unit is permitted, an one-family detached dwelling and customary accessory building may be erected on a single lot of record at the effective date of adoption or amendment of this Resolution.

This provision shall apply even though such lot of record fails to meet the lot area and width requirement, or both, generally applicable within the zoning district, provided that yard dimensions and requirements other than those applying to lot area and width, or both, shall conform to the regulations for the zoning district in which the lot is located.

No portion of any lot shall be used or sold in a manner, which diminishes compliance with lot area and width requirements established for the zoning district in which the lot is located.

Variations from the requirements of this Resolution other than the required lot area and width shall be obtained only through action by the Board of Zoning Appeals as provided in Article XI.

3. Non-conforming Uses of Land

Non-conforming uses existing prior to the adoption of this Resolution may be continued so long as they remain otherwise lawful, provided:

- a. The enlargement, increase, or extension of a non-conforming use shall be obtained only through action of the Board of Zoning Appeals as provided in Article XI, Section 11.05.
- b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of this Resolution;
- c. If any non-conforming use of land is discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the zoning district in which such land is located.

4. Non-conforming Structures

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

- a. The enlargement, increase, or extension of an existing non-conforming structure shall be obtained only through action by the Board of Zoning Appeals;
- b. Should a non-conforming structure or non-conforming portion of a structure be accidentally destroyed, it may be reconstructed as it existed before destruction provided the reconstruction shall began within one (1) year and is completed within two (2) years. Such reconstruction shall not result in a larger structure than existed before such destruction.
- c. Should a non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

- d. An accessory structure not conforming to the requirements of this Resolution shall be declared as a non-conforming structure.

5. Non-conforming Uses of Structure and Land in Combination

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

- a. No existing structure devoted to a use not permitted by this Resolution for the district in which it is located shall be enlarged, increased, or extended except in changing the use of the structure to a use permitted in the zoning district in which it is located;
- b. Any non-conforming use may be extended throughout the parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- c. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two (2) years, shall thereafter conform to the regulations for the district in which it is located, and the non-conforming use may not thereafter be resumed;
- d. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- e. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- f. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, heating or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased except as here above provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 7.24 Off-Street Parking Requirements

Permanent off-street parking shall be provided at a minimum in the amount specified in Sections 7.24-11 and 7.24-12, and in compliance with the layout, construction and maintenance standards of Section 7.

below.

1. No zoning permit or conditional zoning permit shall be issued for any permitted residential, business or industrial use that does not comply with the off-street parking and maneuvering lane requirements of this Resolution.
2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are to serve.
3. Any area once designated as required off-street parking shall never be changed to any other use unless and until an equal number of spaces are provided elsewhere.
4. Off-street parking facilities existing at the effective date of this Resolution, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
5. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
6. Off-street parking for other than residential use shall be either on the same lot or within three hundred feet (300') of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. The applicant shall provide a site plan showing the ownership of all lots or parcels intended for use as parking.
7. The storage of merchandise, motor vehicles for sale, trucks or the repair of motor vehicles are prohibited in off-street parking lots.
8. Whenever the off-street parking space requirements are not mentioned for a specific use, the Zoning Board of Appeals is authorized to designate the appropriate number of parking spaces and shall make the compliance with its order a condition of the site plan approval. In reaching its decision, the Zoning Board of Appeals shall consider the following:
 - a. The maximum number of employees, customers and other persons who will be on the premises at any one time.
 - b. The number of spaces required in Sections 7.24-11 and 7.24-12, for uses comparable in nature to the proposed use.

9. Off-street parking spaces shall be provided for the physically handicapped in accordance with the rules and regulations established by the State of Ohio for making buildings and facilities accessible to and useable by physically handicapped people.
10. Access to off-street parking facilities shall be so designed so as not to obstruct the free flow of traffic. All multiple family, business, office, manufacturing, public and institutional uses shall make adequate provision for ingress and egress to all parking spaces to insure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
11. The number of off-street parking spaces required to serve the physically handicapped shall be provided in accordance with the following schedule:

<u>Total Number of Spaces On the lot or in the building</u>	<u>Required Number of Accessible Spaces</u>
Up to 100 spaces	One (1) space per twenty-five (25) parking spaces.
101 to 200 spaces	Four (4) spaces plus one (1) space per fifty (50) parking spaces over 100 spaces.

12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<u>Permitted Use</u>	<u>Number of Minimum Parking Spaces</u>
a. Residential:	
(1) One-family and two-family	Two (2) for each dwelling unit.
(2) Multiple-family	Two (2) for each dwelling unit.
(3) Extended Care Unit	One (1) for each two (2) units, and one (1) for each employee.
a. Institutional:	
(1) Churches and temples	One (1) for each three (3) seats or six feet (6') of pews in the main worship area.
(2) Hospitals/Wellness Centers	One (1) for each one (1) bed plus one (1) for each employee.
(3) Nursing Homes	One (1) for each two (2) beds plus

(4) Elementary and Middle Schools

one (1) for each employee.

One (1) for each one (1) teacher, employee or administrator and one (1) for every eight (8) seats in the room with the largest seating capacity.

(5) Senior High School

One (1) for each one (1) teacher, employee, administrator and one (1) for each ten (10) students, in addition to the requirements for an auditorium.

(6) Private clubs or lodge halls

One (1) for each three (3) persons allowed within the maximum occupancy load as established by the building and fire code.

(7) Golf clubs, excluding "par-3" courses.

Six (6) for each one (1) golf hole and one (1) for each one (1) employee

(8) Swimming pool clubs, tennis clubs or other similar uses.

One (1) for each two (2) member families or individuals.

(9) Stadium, sports arena or similar places for assembly.

One (1) for each three (3) seats or six feet (6') of benches.

(10) Theaters and Auditoriums.

One (1) for each three (3) seats plus one (1) for each employee.

c. Business Uses

(1) Banks, savings and loan and credit union's

One (1) for each employee and one (1) for each one hundred (100) square feet of useable floor area.

(2) Drive-through Banks and Loan Establishments, not providing Over-the-counter service

Four (4) spaces for each service lane

(3) Beauty parlor or barber shop.

Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.

(4) Bowling alleys	Four (4) for each one (1) bowling lane and one (1) for each employee.
(5) Business and trade schools	One (1) for every two (2) students and one (1) for each employee.
(6) Car Wash.	One (1) for each one (1) employee. Adequate waiting space for eight (8) cars shall be provided on the premises.
(7) Drive-Through Restaurants	One (1) for each three (3) customers plus eight (8) spaces for the storage of cars in the drive-through lane.
(8) Exhibition halls, assembly halls	One (1) for each three (3) persons allowed without fixed seats.
(9) Funeral homes	One (1) for each fifty (50) square feet of useable floor space and one (1) for each employee.
(10) Miniature or "par-3" golf course	Three (3) for each one (1) hole and one (1) for each employee.
(11) Motels	Five (5) for every guest room and one (1) for each employee.
(12) Nursing homes, extended care	One (1) for every four (4) patients or residents and one (1) for every employee.
(13) Office establishments	One (1) for each two hundred (200') square feet of usable floor area and one (1) for each employee.
(14) Planned shopping center	One (1) for each two hundred (200') square feet of usable floor area.
(15) Restaurants, eating and drinking establishments, excluding drive-ins	One (1) for each three (3) customers and one (1) for each employee.
(16) Retail stores, except as otherwise specified herein	One (1) for each one hundred (100') square feet of usable floor area.

d. Industrial Uses

- (1) Warehouses One (1) for each one thousand (1,000) square feet of gross floor area for the first twenty thousand (20,000) square feet; one (1) for each two thousand (2,000) square feet of gross floor area for the second twenty thousand (20,000) square feet; one (1) for each four thousand (4,000) square feet of gross floor area in excess of the initial forty thousand (40,000) square feet of floor area of the building;
- (2) Manufacture; research and assembly Two (2) spaces for each three (3) employees, but in no event less than three (3) spaces for each one thousand (1,000) square feet of gross floor area.

Section 7.25 Off-Street Parking Space Layout, Construction and Maintenance Standards

Whenever the off-street parking requirements in Sections 7.24-11 and 7.24-12 above requires the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. Plans for the layout of off-street parking facilities shall be designed according to the following standards:

<u>Parking Angle at Base Line (In Degrees)</u>	<u>Maneuvering Lane Width (In Feet)</u>	<u>Parking Space: Length Width (In Feet)</u>	
45	12'	20'	8'4"
60	15'	20'	8'6"
90	20'	20'	9'0"

2. All spaces shall be provided with adequate access by means of a maneuvering lane. Backing directly onto a street shall be prohibited.
3. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in areas zoned for multiple family, business or industrial use shall not be across land zoned for one-family detached or two-family dwellings.

4. Only one-way traffic shall be permitted in maneuvering lanes serving single-row parking spaces placed at an angle other than ninety (90) degrees.
5. Off-street parking lots shall be provided with a continuous and obscuring greenbelt not less than four feet six inches (4'6") in height measured from the surface of the parking lot. This greenbelt shall be provided on all sides abutting a residential development or residential zoning district.

When a front yard setback is required, all land between the edge of the parking lot and the street right-of-way line shall be landscaped with deciduous planting materials. All such plantings and landscaping shall be maintained in a healthy condition, neat and orderly in appearance.

6. The off-street parking lot, including parking spaces and maneuvering lanes shall be surfaced with asphalt or concrete cement according to specifications approved by the Mahoning County Engineer.

Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking lot in such a way to preclude draining water onto adjacent property.

7. All lighting used to illuminate any off-street parking lot shall be so installed as to be directed onto the parking lot only.

Section 7.26 Off-Street Loading and Unloading

Every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise shall provide and maintain on the lot, adequate space for the storage, loading or unloading of motor vehicles in order to avoid undue interference with the public use of dedicated rights-of-way. Standing, loading and unloading spaces shall be provided as follows:

1. All spaces shall be ten feet by fifty feet (10' X 50'), or five hundred (500) square feet in area, with a clearance of at least fourteen feet (14') in height.
2. Required off-street loading space is not to be included in the computation of required off-street parking spaces.
3. All off-street loading spaces shall be located totally outside of any street right of way.
4. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dust free surface.

5. All loading spaces in a business and industrial zoning district shall be provided according to the following schedule:

Gross Floor Area (In Square Feet)	Number of Spaces
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 and over	6

Section 7.27 Principal Building

Only one (1) principal building shall be permitted on any one (1) lot within an AG Agricultural, E Estate, R-1 and R-2 Residence District.

Section 7.28 Public Access Requirements

Every dwelling shall be located on a lot having frontage on a public street or road. In all new developments, public streets shall be constructed according to the minimum improvement standards set forth in the Mahoning County Subdivision Regulations.

Section 7.29 Refuse Collection Areas

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 six (6) feet in height or no less than two (2) feet above the height of the container, 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 serviced. All garbage and trash must be contained inside the container and not inside the enclosure. All spills or litter in the immediate trash containment 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 twenty-five (25) feet from catch basins, waterways and riparian buffer areas. (6/13/08)

Section 7.30 Parking and Storage of Motor Vehicles and Commercial Tractor Trailers

1. None of the following described motor vehicles may be parked in the open on any Residential and Estate district except while being loaded or unloaded:

(a) Trucks with over one (1) Ton capacity	(b) Box/cube trucks and cargo vans	(c) Landscaping equipment	(d) Excavating equipment
(e) Semi-tractor and/or trailer	(f) Bus motor Coach or trailer	(h) Dump trucks	(i) Construction equipment
(j) Dismantled vehicles	(k) Wrecked vehicles	(l) Inoperable vehicles	(m) Unlicensed vehicles

- a. A motor tractor and/or trailer used as a moving van or for hauling freight.
 - b. A bus, mobile home or trailer used for commercial purposes.
2. No boats, motor homes, trailers, recreational vehicles, smokers, cookers, barbeque units mounted on chassis or equipment of any type shall be parked or stored between the front lot line, and the front building line of any lot or parcel, and must be located at least three (3) feet from side property line within a Residential, Estate, Town Center and Office district. If a building is located on said lot, the minimum front yard setback line shall be considered to be the front wall of the building facing the road even if said building is located behind the minimum front yard setback line established by this Resolution. If no building exists on the parcel, no boats, motor homes or equipment of any type shall be parked on such parcel.
3. The following specific regulations shall apply in all Residential Districts and Estate districts:
- All motor vehicles, exclusive of recreational vehicles, shall be parked only on a driveway.
4. The following may be stored or parked in any Residential and Estate District, subject to the following conditions:
- a. Any motor vehicle stored within an approved building or garage.
 - b. A utility trailer with a body not longer than eight feet (8'); travel trailers no longer than thirty-one feet (31'); self-contained travel vehicles; pick-up trucks; and camper bodies; boats and boat trailers, shall be parked only within the allowable building area, but not between a dwelling unit and the front lot line.
 - c. Pick-up trucks with factory style beds and tailgates. (6/13/08)

- d. Pick-up trucks with utility cargo storage beds not to exceed the height of the cab.
(6/13/08)
5. In any Residential and Estate District, trucks, trailers, recreational vehicles, truck campers, boats, buses or coaches converted to recreational use, which cannot be stored in approved buildings or other structures because of their size shall be subject to the following additional conditions:
- a. Trucks larger than one-ton capacity and recreational vehicles larger than thirty-one feet (31') in length shall not be parked on the lot. (6/13/08)
 - b. A time limit of seventy-two (72) hours shall apply for the loading or unloading of recreational vehicles in the driveway.
 - c. Only one (1) recreational vehicle, plus one (1) boat and one (1) boat trailer, shall be permitted on the lot at one time.
6. No recreational vehicle may be used as living quarters except as temporary living quarters to safeguard the premises while reconstructing a dwelling unit following a natural disaster or fire. Such temporary quarters would require a connection to centralized water and sanitary sewer, or water well and septic system and require a temporary trailer permit from the Zoning Inspector.
7. No commercial vehicles, including commercial tractors, trucks over three-quarter (3/4) ton, buses, or semi-trailers shall be used for the sale of commercial retail goods or services on any property within the Township other than within a completely enclosed building. Commercial vehicles conveying necessary tools, materials, and equipment to and from the premises where labor using the same is to be performed, may be parked during the time work is actually being performed.
8. The front yard shall remain open and unoccupied of all structures and equipment in all districts.
9. "Parking" for the purpose of "storage" means the placement or parking of a commercial vehicle or trailer anywhere in any zoning district for any period of time other than that time actually spent for the ordinary, customary, and reasonable time required for loading, unloading or cleaning, but not to exceed seventy-two (72) consecutive hours.
10. No licensed or unlicensed vehicles on which a "for sale" sign is placed shall be parked, stored or sold on any lot or within an enclosed building on any lot used for office, business or industrial purposes.
11. The following vehicles shall be prohibited from parking on Residential, Estate, Town Center and Office districts property unless enclosed in a garage.

- a. Semi/tractor trailer, construction equipment, trailers, vans or shipping containers, mounted on axels or un-mounted, shall not be used for storage purposes.

Section 7.31 Sign Regulations

1. Purpose:

The sign regulations are designed to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, and to promote the safety of travelers on roadways by regulating the use, location, and size of outdoor advertising and signs of all types.

2. General Provisions:

The following regulations shall apply to all signs in all zoning districts: (7-15-2011)

- a. A sign other than a nameplate advertising a product or service shall be permitted only on the premises where such product or service is sold or available.
- b. Any internally illuminated sign or lighting device, UL approved, shall employ only an emitting light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights, with the exception of a message sign consisting of time, temperature or public information. All electric service to signs must be underground with UL approved lighting.
- c. It is unlawful to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons and similar devices of a carnival character.

Items not prohibited are National/State flags properly displayed; streamers, banners, etc., used for a period not to exceed one (1) week to call attention to the grand opening of a completely new business building.

- d. No sign shall be permitted on the roof of any structure.
- e. No sign shall project over or obstruct any windows or doors of any building, or be attached to, or obstruct any fire escape.
- f. Maintenance of the sign is the responsibility of the owner. The integrity of the sign panels must be secure and free from cracks. All sign structures must be secured to eliminate any electrical and mechanical hazards. Upon notice from the Zoning Inspector all signs must be put in a safe and secure order within thirty (30) days or be removed by the owner.
- g. Signs shall not in any way resemble or duplicate traffic signals or traffic directional signs.

- h. No sign shall be located within any public right-of-way, except as set forth in subsection 7 below.
- i. All signs, except directional signs, shall maintain a ten-foot (10') setback from any street right-of-way line or side lot line.
- j. All signs in the AG Agricultural, OF Office, TC Town Center, and BP Business Park Districts shall be removed by the owner of the departing business interest, or by the owner of the real estate, upon a change in ownership of the real estate, leasehold interest, or business operation, or upon cessation of the business operation. The new owner, lessee, or business operator must comply with all applicable requirements for any new sign.
- k. The surface area of a sign shall be computed as including the entire area within a regular, geometric form comprising of the one side and including all elements of the matter displayed including any frame. The allowable surface area shall be measured on only one side of a two-sided sign. Where a sign consists of individual, unconnected letters, the surface area of such sign shall be the sum of the surface areas of the rectangles enclosing each individual letter and/or frame and shall exclude the space between such rectangles.

3. Signs Requiring a Zoning Permit:

- a. **Building Mounted Sign**: One (1) per business establishment, on front lot line wall only, not to exceed twenty-four (24) square feet or three percent (3%) of the total surface area of the wall, projecting no more than eighteen inches (18") from the surface of the wall at a minimum height of ten feet (10') from the surface of the finished grade.
- b. **Casual Sale Sign**: One (1) non-illuminated sign per lot not to exceed two (2) square feet. Casual sale signs shall not be placed on utility poles and shall comply with all applicable setback requirements. Such signs shall be permitted on two (2) separate occasions per year for a maximum duration of three (3) days.
- c. **Directional Sign**: Permitted in the OF, TC, BP Districts only. One (1) per each ingress and egress. Three (3) pedestal signs permitted per business establishment not to exceed six (6) square feet, with a maximum height of four feet (4'). One (1) overhead per each ingress and egress lane of drive-thru establishments not to exceed ten (10) square feet, with a minimum ground clearance of eight (8) feet in height. Directional signs shall be limited to the name and logo identifying the business on the premises and directional verbiage and/or arrows. (06/08/2012)
- d. **Fund Raiser Sign**: Non-illuminated sign, not to exceed thirty-two (32) square feet. Fund-raiser signs shall not be placed on utility poles and shall comply with all

applicable setback requirements. Signs may be erected (28) twenty-eight days prior to event and must be removed within (48) forty-eight hours after the event. The permit fee is waived for all non-profit organizations. (6/13/08)

- e. Home Occupations Sign: One unlighted nameplate not more than three (3) square feet in area announcing the name and occupation shall be permitted for a "Home Occupation". Such sign shall be attached to the dwelling structure.
- f. Pedestal Sign: Permitted in the OF, TC and BP zoning districts only. One (1) pedestal sign shall be permitted per business establishment. The sign shall be mounted on the ground. No mounding shall be permitted. Pedestal signs shall not exceed thirty-six (36) square feet or a maximum height of six (6') feet.
- g. Subdivision Entryway Sign:
 - (1) A wall with a non-illuminated sign or logo shall be permitted at one (1) entryway to a subdivision with more than fifty (50) lots.
 - (2) The face of the wall shall not cover more than ninety-six (96) square feet of space.
 - (3) The wall shall not exceed a height of eight feet (8') above the finished grade elevation at the base of the wall.
 - (4) The wall shall be setback no less than twenty feet (20') from any street right-of-way line and no less than ten feet (10') from any side or rear lot line.
 - (5) A sign or logo shall be permitted providing such sign or logo is attached to the face of the wall. The top edge of the sign or logo shall not extend above the top of the wall. The bottom edge of the sign shall be two feet (2') above the finished grade elevation at the base of the wall.
 - (6) The face of the sign or logo shall be no more than thirty-six (36) square feet in area.

4. Signs Not Requiring a Zoning Permit:

- a. Nameplate: One (1) nameplate not to exceed three (3) square feet in total area shall be permitted per dwelling.
- b. Project Sign: One (1) non-illuminated sign per lot identifying the construction company(s), not to exceed thirty-two (32) square feet for new construction and sixteen (16) square feet for repair and remodeling.
- c. Pre-Construction Sign: One (1) pre-construction sign shall be permitted in connection with any residential subdivision, multiple family, business or

industrial development, however, when fifty percent (50%) of the development is completed such sign shall be removed from the premises.

- d. Repair and Remodeling Sign: One (1) repair and remodeling sign, not to exceed sixteen (16) square feet in total area. Repair and remodeling signs shall be permitted for a period not to exceed thirty (30) days.
- e. Real Estate Sign:
One (1) non-illuminated sign per lot related to the sale or lease of the property.
 - a. Residential Districts under two (2) acres, four (4) square feet.
 - b. Residential Districts over two (2) acres, sixteen (16) square feet, maximum height six (6) feet.
 - c. Town Center (TC), Business Park (BP), Office District (OF) under two (2) acres, sixteen (16) square feet, maximum height six (6) feet.
 - d. Town Center (TC), Business Park (BP), Office District (OF) over two (2) acres, thirty-two (32) square feet, maximum height six (6) feet. (7-15-2011)
- f. Other Signs: Signs not otherwise subject to specific provisions of this Resolution shall not exceed four (4) square feet in area.

5. Visibility at Intersections:

Signs shall not be located within the triangular area at the intersection of any two street right-of-ways or street right-of-ways with railroad grade crossings formed by a straight line drawn between said right-of-way lines at a distance along each line of thirty feet (30'), measured from their point of intersection.

6. Permit Fee:

A schedule of the sign fees adopted by Resolution and established by the Trustees are on file in the Zoning Inspector's office located at: 3339 Dobbins Road, Poland Township, Ohio, 44125.

7. Limitation of this Section:

The Ohio Revised Code confers limited authority upon the Township to regulate the following types of signs:

- a. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation, are hereby exempt from meeting the sign regulations of this Resolution.

- b. Signs along the Federal Interstate Highway System and primary Federal, State and County highways shall comply with the applicable 'Sections of the Ohio Revised Code, and Resolutions adopted thereto, in addition to complying with the applicable Articles and Sections of this Resolution.
- c. Billboards permitted in AG Agricultural, (OF) Office, (TC) Town Center, or (BP) Business Park Districts only; not to exceed two-hundred (200) square feet; must be pole mounted with a minimum ground clearance of ten (10) feet, maximum structural height of Twenty-five (25) feet. No part of the sign or supporting structure shall extend beyond the Allowable Building Area. (10/13/2005)

Section 7.32 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 over bank flood flow; and,

WHEREAS, streambank erosion is a significant threat to property and public health and safety, and vegetated riparian areas stabilize streambanks 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 flood waters, 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 temperature, 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 Poland Township and neighboring communities; and,

WHEREAS, sedimentation of eroded soil adversely affect 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, Yellow Creek, and the Mahoning River *watersheds* to

protect and enhance the water resources of the major watercourses to which Poland 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 Soil & Water Conservation District; the Mahoning County Engineer; 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,

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

WHEREAS, the Zoning Commission and Board of Trustees of Poland Township has reviewed and adopted the recommendations of the above government agencies, and the Zoning Commission and Board of Trustees of Poland 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 Poland Township; and to preserve the character of Poland Township, the quality of life of the residents of Poland 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 Poland Township; and,

WHEREAS, Section 519.02 of the Ohio Revised Code grants townships the legal authority to adopt land use measures for promoting public health and safety of its citizens.

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, require designated communities, including Poland Township, 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 RESOLVED by the Board of Trustees of Poland Township, County of Mahoning, State of Ohio, that:

Resolution Article VII-Riparian Setbacks, is hereby adopted to read in total as follows:

**ARTICLE VII
RIPARIAN SETBACKS**

Section 7.32

A. PURPOSE AND SCOPE

It is hereby determined that the system of rivers, streams, and other natural watercourses within Poland Township contributes to the health, safety, and general welfare of the residents of Poland 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:

1. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
2. Assist stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from watercourse banks.
3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in watercourses.
4. Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
5. Provide watercourse habitats with shade and food.
6. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
7. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
8. Benefit Poland Township 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 Poland Township, and thereby preserving the character of Poland Township, the quality of life of the residents of Poland Township, and corresponding property values.

The following regulation has been enacted to protect and enhance these functions of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along designated watercourses in Poland Township.

B. APPLICABILITY, COMPLIANCE & VIOLATIONS

1. This regulation shall apply to all zoning districts.
2. This regulation shall apply to all structures and uses on lands containing a designated watercourse as defined in this regulation, except as provided herein.
3. No approvals or permits shall be issued by Poland Township without full compliance with the terms of this regulation.

C. CONFLICTS WITH OTHER REGULATIONS & SEVERABILITY

1. 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.
2. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in Section C (1) of this regulation.
3. 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.

D. DEFINITIONS

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

CAPTURED OR CHANNELIZED STREAMS: Stream 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 (OHW), and they possess a defined channel and evidence of stream flow.

COMMUNITY: Throughout this regulation, this shall refer to Poland Township or its designated representatives, boards, or commissions.

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 onto a structure.

DESIGNATED WATERCOURSE: A watercourse within Poland 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.

NATURAL STREAM CHANNEL DESIGN: Practices undertaken to stabilize stream systems by restoring natural function and morphology. Natural channel design stream restoration and/or streambank stabilization projects should comply with principles laid out in the following publications:

Stream Corridor Restoration: Principles, Processes, and Practices
The Federal Interagency Stream Restoration Working Group,
October 1998.

Applied River Morphology, Second Edition, Dr. Dave Rosgen, October 2002.

NRCS Field Office Technical Guide, Natural Resource Conservation Service

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 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 streambanks, 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 employee(s), hereinafter referred to as 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 it's 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).

E. ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS

1. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:
 - a. All watercourses draining an area greater than ½ square mile, OR
 - b. 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, Poland Township may consult with a representative of the Mahoning County SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant, OR

- c. All previously natural watercourses that are channelized, enclosed by pipe, or captured.
2. Riparian setbacks on designated watercourses are established as follows:
 - a. 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.
 - b. 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.
 - c. A minimum of 25 feet on either side of all watercourses draining an area less than ½ square mile and having a defined bed and bank as determined by Poland Township in Section C of this regulation.
3. 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:
 - a. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
 - b. It shall be a guide only.
 - c. Nothing herein shall prevent the Poland Township from making additions, amendments, revisions, or deletions from the Riparian Setback Map from time to time as may be necessary.
 - d. If any discrepancy is found between the Riparian Setback Map and this regulation, the criteria set forth in Section E (A) and (B) shall prevail.
4. The following conditions shall apply in riparian setbacks:
 - a. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse.
 - b. Riparian setbacks shall be measured in a horizontal direction outward from the outside diameter of the outermost pipe.
 - c. Riparian setback shall be measured in a horizontal direction outward from the center of the captured stream.
 - d. Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

- e. Where the 100-year floodplain is wider than a minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, the Poland Township may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by Mahoning County Engineer's Office. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
- f. Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by Poland Township to the applicant.

F. APPLICATIONS AND SITE PLANS

- 1. 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 subdivision plans, land development plans, and/or zoning permit applications submitted to Poland Township. The site plan shall be prepared by a professional engineer, as determined by Poland Township and shall be based on a survey of the affected land. Seven (7) copies of the site plan shall be submitted.

The site plans shall include the following information:

- a. The boundaries of the lot with dimensions.
 - b. The locations of all designated watercourses.
 - c. The limits, with dimensions, of the riparian setbacks.
 - d. The existing topography at intervals of two (2) feet.
 - e. The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all designated watercourses.
 - f. North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
 - g. Other such information as may be necessary for Poland Township to ensure compliance with this regulation.
- 2. Poland Township may, in reviewing the site plan, consult with the Mahoning County SWCD or other such experts. Any costs associated with this review may be assessed to the applicant. The site plan shall not take the place of soil erosion and sedimentation control plan and/or a storm water pollution prevention plan.

3. If soil-disturbing activities will occur within 50 feet of the outer boundary of the applicable 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 the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.
4. No approvals or permits shall be issued by Poland Township prior to identification of riparian setbacks on the affected land in conformance with this regulation.

G. PERMITTED STRUCTURES AND USES WITHOUT ZONING CERTIFICATE

The following structures and uses are permitted in the riparian setback without a zoning certificate. 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. A list of invasive plant species and suitable alternatives can be found in Appendix XX of this regulation.
- d. Water Supply Wells. Water supply wells for the purpose of serving permitted structures or uses on lots of record shall be allowed.

H. PERMITTED STRUCTURE 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 resolution. When granting Zoning Certificates for the following uses, the Zoning Inspector may, for good cause, attach such conditions, as it deems 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 be designed by a professional engineer and only be undertaken upon approval of a Crossing Plan by the Poland Zoning Inspector. Any costs associated with review of Crossing Plans may be assessed to the applicant.

If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US 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 Poland 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. Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the Zoning Inspector. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Poland Township. Proof of compliance shall be the following:

A site plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit 13, or

A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or,

A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

I. 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:

1. Construction. There shall be no buildings or structures of any kind.
2. Dredging or Dumping. There shall be no filling, dredging, or dumping of soil, spoils, liquid, or solid materials.
3. Fences and Walls: There shall be no fences or walls, except as permitted under this regulation.
4. Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.
5. Motorized Vehicles. There shall be no use, parking, or storage of motorized vehicles, except as permitted under this regulation.
6. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within riparian setbacks except for the following:
 - a. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
 - b. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.
 - c. Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.
7. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, or loading/unloading spaces.
8. 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.

9. Storm Water Retention and Detention Facilities: Riparian setbacks shall not be used for storm water retention and detention facilities

J. NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS

Article XII Section 7.23 Non-conforming Lots, Non-conforming Uses of Land, Nonconforming Structures, and Non-conforming Uses of Structures and Premises will govern non-Conforming structures and uses

K. VARIANCES WITHIN RIPARIAN SETBACKS

1. The Board of Zoning Appeals may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:
 - a. 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.
 - b. The Board of Zoning Appeals may not authorize any structure or use in a Zoning District other than those authorized in the Zoning Code.
2. In making a determination under Section K (A) of this regulation, the Board of Zoning Appeals may consider the following:
 - a. The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of Flood Damage Prevention may be used as guidance when granting variances in the 100-year floodplain.
 - b. 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.
 - c. 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.
 - d. 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.

- e. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to Poland Township. Variances should not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for gravel driveways when necessary.
 - f. Whether a property, otherwise buildable under the ordinances of Poland Township, will be made unbuildable because of this regulation.
- 3. 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 Code.
 - 4. 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.

L. PROCEDURES FOR VARIANCES & 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 as set forth in Article XI, Section 11.06, Appeals

M. INSPECTION OF RIPARIAN SETBACKS

- 1. The identification of riparian setbacks shall be inspected by Poland Township.
- 2. Prior to soil disturbing activities authorized under this regulation, the applicant shall provide Poland Township with at least thirty-(30) calendar day's written notice prior to starting such soil disturbing activities.
- 3. Any time evidence is brought to the attention of Poland Township that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation.

N. PENALTY

- 1. Any person who shall violate any section of this regulation shall be guilty of a minor misdemeanor of the fourth degree and, upon conviction thereof, shall be subject to punishment as provided in Section 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.

2. The imposition of any other penalties provided herein shall not preclude Poland Township from instituting an appropriate action or proceeding in a Court of proper jurisdiction 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 regulations, or the orders of the Poland Township Zoning Inspector. (10/5/2006)

Section 7.33 Storm Water Management

Any person proposing to develop land for any purpose, other than a one-family detached dwelling unit, shall be required to submit a storm water management plan for review and approval by the Mahoning County Engineer prior to receiving a zoning certificate.

Section 7.34 Temporary Uses

The following temporary use certificate may be issued for the following uses:

1. All home sales shall meet the following requirements:
 - a. The sale of specific or miscellaneous goods or materials on a lawn or driveway or in a garage or any other building shall be deemed to be a home sale. Home sales shall not be conducted on the same residential property more than twice (2) in a twelve (12) month period. No home sale shall last for more than three (3) consecutive days.
 - b. Signs advertising a home sale shall not exceed two (2) square feet in size and shall be restricted to a lawn sign placed on the property where the sale is being conducted.
 - c. A home sale shall not commence earlier than nine (9:00) A.M. nor shall such sale last later than sundown.
 - d. No home sale shall offer new or used merchandise for sale that has been purchased by the resident for purpose of such resale at such home sale.
2. Carnival and circuses for a maximum of eight (8) days. The application shall depict the locations of pedestrian circulation areas and equipment storage areas. Carnivals and circuses shall be located at least one hundred feet (100') from all residential property lines.

3. Commercial tree sales lots for a maximum of sixty (60) days. Commercial tree sales lots shall be located in business zones, however tree sales lots run by non-profit organizations may be located in any zoning district provided proof of non-profit certification is submitted to the Zoning Inspector, and further provided such lots have frontage onto a designated state, county or township road.
4. Public events of a civic, religious or non-profit nature may be issued a temporary use certificate. Such events shall include, but not be limited to: outdoor concerts, markets and festivals.
5. Construction buildings providing the building or structure is incidental to the construction work and are located on the property where construction is taking place. Temporary construction buildings shall not be located within the public road right-of-way.

Section 7.35 Zoning of Vacated Areas

Whenever any street, alley or other public right-of-way within the Township is vacated by action of the Mahoning County Commissioners, and when the lands within the boundaries thereof are attach to and become a part of the lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further action of the Mahoning County Commissioners, be subject to the same zoning regulations as are applicable to the same district designations permitted under this Resolution for such adjoining lands.

Section 7.36 Outdoor Clothing / Storage Containers

All outdoor clothing and storage containers are prohibited in any zoning district, with the exception of the township-recycling center. The Zoning Inspector must approve all containers. (8/5/2006)

Section 7.37 Spot Zoning

Applications determined to be spot zoning shall be denied. Spot zoning is defined as rezoning of a relatively small area into a zoning district that is unrelated to the uses within the immediate area or the General Land Use Plan adopted for the Township. Spot rezoning is declared to extend a special privilege or an inconsistent restriction for one (1) property that is not made applicable to other properties. A zoning pattern once established and relied upon must be sufficiently stable to accomplish the purposes of the General Land Use Plan and to protect those who comply with the requirements of this Resolution. Spot zoning constitutes an entering wedge, contributing to the breakdown of this stability.

Section 7.38 Erosion and Sediment Control (ESC)

- 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. (8/8/08)

Section 7.38.1 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. (8/8/08)

Section 7.38.2 Requirements and Application Procedures

- A. Two (2) sets of a 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.
- 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 (30) day review period shall begin.

- F. Soil disturbing activities shall not begin and zoning certificates or conditional zoning certificates shall not be issued without an ESC Plan approved by the zoning inspector in 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. (8/8/08)

Section 7.38.3 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 NPDES Permit is 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.
 - 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. (8/8/08)

ARTICLE VIII

USE, AREA AND HEIGHT EXCEPTIONS

The regulations in this Resolution shall be subject to the following interpretations and exceptions:

Section 8.01 Access through Yards

For the purposes of this Resolution, access drives may be placed in the required front yard or side yards so as to provide access to the rear yards or accessory buildings. These access drives shall not be considered as a structure in the front and side yards. Further, any sidewalk, pathway, terrace, court or other pavement serving a like function, and not in excess of ten (10") inches above the finished grade, shall not be considered as a structure, and shall be permitted in any required yard.

Section 8.02 Agriculture Permitted in Any District

This Resolution confers no power on the Trustees, the Zoning Commission or the Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures as prescribed by Ohio Revised Code, Section 519.21 (b), incident to the use for agricultural purposes of the land on which such buildings are located, and no zoning certificate shall be required for any such building or structure. Certification affidavit is required by Mahoning County Building Inspection Department and Poland Township Zoning Office. (10-09-19)

Section 8.03 Basement Living Quarters Prohibited

The basement of any dwelling unit shall not be used as the primary living quarters for a family or individual.

Section 8.04 Construction

Nothing in this Resolution shall be deemed to require any change in plans, construction or designated use of any building upon which actual construction has lawfully begun prior to the adoption of this Resolution, and upon which actual construction has been diligently carried on and provided further that such building shall be completed within one (1) year from the date of passage of this Resolution.

Section 8.05 Dwelling, Quarters in Non-Residential Districts

Within any nonresidential zoning district, sleeping quarters for night watchman or caretakers may be permitted, providing such living quarters are made a part and are attached as a part of the main building or structure.

Section 8.06 Essential Public Utilities

The provisions of this Resolution shall not apply to public utilities except where express authority has been conferred by the Ohio Revised Code on the Trustees or the Board of Zoning Appeals in which case the entire Zoning Resolution shall apply where applicable.

Section 8.07 Land Uses Exempt from Regulation

The provisions of this Resolution shall apply to all land and every structure and every use of land or structure except agriculture, railroads, public utilities and area and height requirements as specifically exempted by law in accordance with the provisions of this Resolution.

Section 8.08 Height Limitations Exempt from Regulation

The height limitations of this Resolution shall not apply to farm buildings, chimneys, church spires, flag poles, wireless transmission towers or public monuments; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Section 8.09 Projections into Yards

Open, unenclosed and uncovered porches or paved terraces may project not more than ten feet (10') within the minimum front or rear yard setback. On a corner lot, such porches or terraces may not project into any front yard.

Section 8.10 Railroad Rights-of-Way

For the purposes of this Resolution, railroad rights-of-way shall be permitted as authorized and regulated by State and Federal laws, it being the intent of this section to exempt railroad rights-of-way from the strict application of this Resolution. Buildings and structures constructed within railroad rights-of-way shall comply with the use, area and height regulations of the zoning district in which they are located. Spur tracks will be extended within the railroad right-of-way only when they are totally within a BP Business Park Zoning District.

Section 8.11 Side Yard Regulations

For the purposes of determining side yard regulations, a one-family attached, two-family, townhouse or apartment dwelling shall be considered as one (1) building occupying one (1) lot. When more than one (1) building is located on one (1) lot, the side yard requirement set forth in Article IV, Section 4.14 "Schedule of Regulations, shall still apply pertaining to the distance between structures.

Section 8.12 Voting Place

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with any municipal or other election.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 9.01 Enforcement

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or such other official or officials as may be appointed by the Trustees.

Section 9.02 Duties of the Zoning Inspector

1. Powers and Duties of the Zoning Inspector:

The Zoning Inspector shall have the following powers and duties:

- a. Make inspections of premises and buildings necessary in carrying out his/her duties in compliance with the provisions of this Resolution.
- b. Issue zoning permits for one-family detached and two-family dwelling units, multiple-family dwellings, business, office and light manufacturing uses and accessory uses, provided the proposed use is permitted under the Zoning Resolution and the applicant has paid the appropriate fee.
- c. Issue sign permits provided the proposed sign has been constructed and installed in accordance with the sign regulations and the applicant have paid the proper fee.
- d. Issue conditional zoning certificates after approval by the Board of Zoning Appeals and the applicant has paid the proper fee.
- e. Issue variance permits after approval by the Board of Zoning Appeals.
- f. Investigate alleged violations of the Zoning Resolution.
- g. Attend all regular and special meetings of the Zoning Commission and the Board of Zoning Appeals and all regular meetings of Trustees and such other meetings as the Trustees shall direct.
- h. Keep records of all activities of his office and to report annually at the first meeting of the Trustees as to the various types of improvements that permits were issued during the preceding year.
- i. Maintain regular office hours for the issuance of permits.

- j. Determine if all construction has occurred in compliance with the provisions of any zoning permit, conditional use permit or variance issued.
- k. Perform such other duties as the Trustees directs with respect to the enforcement of the Zoning Resolution.
1. Maintain the Official Township Zoning Map with County Agencies and modify any changes to the boundaries of zoning districts and overlay districts after their approval by the Trustees.

Section 9.03 Zoning Certificates and Building Permits

1. No existing use of land or vacant land shall hereafter be used or changed to a use of a different class or type unless a zoning permit or conditional zoning permit is first obtained for the new and different use.
2. No building or structure, or part thereof, shall be changed or occupied by a use of a different class or type unless a zoning permit is first obtained for the new and different use.
3. No zoning certificate will be granted by the Zoning Inspector for the use, erection or alteration of any building or structure or part thereof, which is not in accordance with all of the provisions of this Resolution.

Any person failing to obtain a zoning certificate prior to the use, erection or alteration of any building or structure shall be assessed a compliance charge equal to twice the amount of the fee adopted for a zoning certificate by the Trustees.

4. No building permit shall be issued by the Mahoning County Building Codes Department for the erection, alteration or use of any building or structure or part thereof without a zoning permit.

Section 9.04 Application Procedure for a Zoning Certificate

1. General:

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises within a OF, TC or BP Zoning District, application shall be made to the following contact person for a zoning certificate:

Zoning Inspector
Poland Township Zoning Office
3339 Dobbins Road
Poland, Ohio 44514
Telephone: (330) 757-0733

2. Application Procedure:

- a. The application for approval of a zoning certificate for any building or use within an AG Agricultural, E Estate, R-1 or R-2 Residential District shall include the following information:

(1) A site plan showing the following:

- (a) The dimensions of the lot (e.g. lot width and lot depth).
- (b) Location of all buildings and other structures on the lot.
- (c) Front and side elevation plan of the principal building.
- (d) Total square feet of living area.
- (e) Height of all buildings and other structures.
- (f) Required front, side and rear yard building setback lines with dimensions shown.
- (g) Number of fireplaces, where applicable.
- (h) Number and location of garage structures on the lot.

b. The application for approval of a zoning certificate for any building or use within the R-3 Residential, OF Office, TC Town Center, BP Business Park or any PUD Planned Unit Development District shall include the following information as required by each of the township departments listed below:

(1) The applicant shall submit to the Zoning Department:

- (a) One (1) set of prints showing the Site Plan prepared according to the requirements of Article VII, Section 7.33.
- (b) One (1) set of prints showing the Interior Building Floor Plans.
- (c) One (1) set of prints showing the Exterior Building Elevation.
- (d) One (1) set of prints showing the layout and area dimensions of Pedestal/Building mounted signs.
- (e) Where plans include new construction, one (1) set of prints and documentation shall be submitted showing on-site storm water retention plans and calculations and shall accompany the site plan filed with the Zoning Department. The storm water plans and specifications shall be reviewed by the Mahoning County Engineer to ensure that they are designed in accordance with the storm water drainage requirements on file in the Mahoning County Engineer's Office.
- (f) One (1) copy of a detailed sedimentation control plan approved by the Mahoning County Soil and Water Conservation District. The sedimentation control plan shall include the entire property showing the grading and surface drainage modifications that will be made in preparing the site for development for each building phase of the overall development.
- (g) For all new developments, one (1) set of storm water detention areas and calculations approved by the Mahoning County Engineer, and septic approval by the Mahoning County Health Department.
- (h) The location, total floor area and shape of all buildings and other structures to be erected, altered or moved.
- (i) The location of all existing structures on the property.
- (j) The existing and proposed use of the property.
- (k) The total number of dwelling units in each building for any development in an R-3 Residential or PUD Planned Unit Development District.

- (l) Any other pertinent information required to assisting the appropriate departments in conducting an adequate review of the proposed development.

The Zoning Department shall review the application for a zoning certificate, site plan, construction blueprints, and other applicable materials to determine conformance with the applicable zoning district regulations.

(2) Road Department:

The site plan shall be reviewed by the Office of the Township Road Superintendent, and reviewed and approved by the Mahoning County Engineer's Office in accordance with the design criteria prescribed by the office of the Mahoning County Engineer. The applicant shall submit the following information to the Zoning Department to be reviewed and approved by the Township Road Department and the Mahoning County Engineer:

- (a) One (1) set of prints showing the site plan prepared according to the requirements of Article VII, Section 7.33.
- (b) Two (2) copies of topographic and hydrological maps.
- (c) On-site surface retention plans and storm water calculations.
- (d) Contact Person: Township Road Superintendent
7508 Clingan Road
Poland, Ohio 44514
Telephone: (330) 757-0733

(3) Issuance of Zoning Certificate:

Within thirty (30) days after receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and the application is accompanied by a proper filing fee. If such permit is refused for cause, the Zoning Inspector shall notify the applicant within thirty (30) days of such refusal and cause.

Each application shall clearly state that unless construction is started within one (1) year from the date of issuance, or substantially completed within two (2) years, the zoning permit shall be void.

- c. No zoning certificate shall be issued for any structure, which has ingress or egress to a state highway until the owner of such property has secured a permit from the Ohio Department of Transportation in accordance with regulations adopted by that department.

- d. Any or all of the following conditions shall cause the Zoning Certificate to become void:
1. Use is changed from the original application.
 2. The Zoning Certificate issued is in conflict with the provisions of this Resolution.
 3. There is any violation of a statute of the State of Ohio, or any violation of a County code or regulation and/or any condition on which the Certificate was issued.
 4. If the continuance of any work becomes dangerous to life or property in the opinion of the Township Zoning Inspector.
 5. If any false statements or misrepresentations have been made in the application on which the approval was based.
- e. A Notice of Revocation of a Zoning Certificate shall be in writing and shall be served upon the owner, his agent or the person having charge of the work. A Revocation Notice shall also be posted upon the building or operation in question by the Township Zoning Inspector. After the notice is received or posted it shall be unlawful for any person to proceed with any operation for which such Certificate was issued. No part of the fees for such Certificate shall be refunded. If the Zoning Certificate becomes void, a new Zoning Certificate must be applied for, with all of the requirements of the original application, including the payment of the appropriate fees. (10/13/2005)

Section 9.05 Occupancy Permits

No building hereinafter constructed, erected or altered, shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part thereof, or any land, shall hereafter be made, until an occupancy permit has been issued by the Zoning Inspector, certifying that the building or use complies with the provisions of this Resolution. An occupancy permit shall be granted or denied within ten (10) days from the date a written application for an occupancy permit was filed with the Zoning Inspector.

Any person failing to obtain an occupancy permit prior to occupying a building shall be assessed a compliance charge equal to twice the amount of the fee adopted for an occupancy permit by the Trustees.

Section 9.06 Filing Fees

The Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use certificates, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the Township Hall and the office of the Zoning Inspector, and may be amended only by action of the Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

When the Zoning Commission or the Board of Zoning Appeals deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

All fees shall be paid to at the time the application or other permit is requested.

Fees for the inspection and the issuance of zoning permits or conditional use certificates or copies thereof required or issued under the provisions of this Resolution shall be collected by the Zoning Inspector in advance of issuance.

No application for a zoning certificate, conditional zoning certificate, variance, appeal or application for a rezoning or amendment to the provisions of this Resolution shall be accepted unless the applicant shall pay the filing fees established in Resolution form by the Trustees.

ARTICLE X

ZONING COMMISSION

Section 10.01 Authority, Composition and Appointment

A Zoning Commission is hereby established which shall perform its duties and exercise its powers as provided under Section 519.04 of the Ohio Revised Code as amended, and in such a way that the objectives of this Resolution shall be observed.

The Zoning Commission shall be composed of five (5) members who shall reside in the Township and be appointed by the Trustees. The Trustees shall select the five (5) members on the merits of their records of civic, business or professional leadership, and who shall not be members of the Board of Zoning Appeals.

Each member shall be appointed for such length and so arranged that the term of one (1) member will expire each year. The members of the Zoning Commission may be compensated.

The Trustees may appoint two (2) alternate members to the Zoning Commission, for terms determined by the Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to the procedures prescribed by Resolution by the Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The Zoning Commission shall, within the limits of the money appropriated for it, purchase such supplies and equipment as it finds necessary to carry out its duties.

Section 10.02 Vacancies and Removal

Each member of the Zoning Commission shall serve until his/her successor is appointed and qualified. In the event of the death or resignation of a member of the Zoning Commission, the Trustees shall appoint another resident for the unexpired term.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail or by leaving a copy at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

Section 10.03 Organization and Proceedings

The Zoning Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Resolution. The Zoning Commission shall elect a chairman and vice-chairman from among its members and shall prescribe rules for its proceedings.

Section 10.04 Quorum

At least three (3) members must be in attendance at any meeting of the Zoning Commission before any official business can be conducted. A majority vote of the members shall be necessary to affect an order. (8/5/2006)

The un-excused absence of any member of the Zoning Commission from three (3) consecutive regular monthly meetings or establishing a residence outside of the Township shall constitute resignation from the Zoning Commission.

Section 10.05 Meetings

The Zoning Commission shall meet monthly or at the call of its Chairman or the Vice Chairman acting in the capacity of Chairman, or by the call of two (2) other members of the Zoning Commission. Meetings shall be held at the call of the chairman and at such other times as the Zoning Commission may determine.

The Zoning Commission shall keep minutes of its meetings showing the vote of each member on all motions before the Commission and shall file and record its proceedings in the Township Clerk's office as a matter of public record. All meetings shall be open to the public.

Section 10.06 Powers and Duties

The Zoning Commission shall have the following duties:

1. Act upon all rezone requests to the official Zoning Districts Map submitted to the Zoning Commission by the Township Clerk in conformance with Section 10.05 of this Article X. The Zoning Commission shall recommend approval, disapproval or modification of the original request to the Trustees following the amendment procedures set forth in Section 519.12 of the Ohio Revised Code.
2. Review from time to time any provision(s) of this Resolution and shall recommend to the Trustees such changes, as it deems necessary in order to promote the intent of this Resolution according to the procedures set forth in Section 10.07 of this Article X.
3. Act upon all amendments submitted to the Zoning Commission by the Trustees. The Zoning Commission shall recommend approval, disapproval or modification of the

original request to the Trustees according to the amendment procedures set forth in Section 519.12 of the Ohio Revised Code.

Section 10.07 Amendments

The amendment procedures shall comply with the provisions of 519.12 of the Ohio Revised Code.

ARTICLE XI

BOARD OF ZONING APPEALS

Section 11.01 Creation and Membership

A Board of Zoning Appeals is hereby established which shall perform its duties and exercise its powers as provided under Section 519.13 of the Ohio Revised Code as amended, and in such a way that the objectives of this Resolution shall be observed, public safety secured, and substantial justice done.

The Board of Zoning Appeals shall be composed of five (5) members who shall be residents of the Township and be appointed by the Trustees.

The Trustees may appoint two (2) alternate members to the Board of Zoning Appeals, for terms to be determined by the Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Trustees. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The terms of all regular members shall be for five (5) years and shall be so arranged that the term of one (1) member shall expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Vacancies for any reason shall be filled by the Trustees for the unexpired portion of the term. Unless excused by the Trustees, any appointed member may be removed by the Trustees without further cause for failure to attend three (3) consecutive meetings in the same manner as provided by Section 519.04 of the Ohio Revised Code. Members of the Board of Zoning Appeals shall be compensated.

Section 11.02 Organization

The Board of Zoning Appeals shall elect a chairman and vice-chairman and shall prescribe rules for its proceedings in accordance with Sections 11.03 and 11.04 for the conduct of its affairs.

Section 11.03 Minutes

The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon questions, or if absent or failing to vote, it shall indicate such fact, and file and record its proceedings in the Township Clerk's office, and the same shall be a public record.

Section 11.04 Meetings

The Board of Zoning Appeals shall meet upon the call of the chairman or two (2) other members; and at such other times as specified in the Board's rule of procedure. All hearings held by the Board shall be open to the public. The Board shall require a quorum of three (3) members at all of its meetings, and the majority vote of the members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of an application on any matter upon which the Board is required to pass or to effect any variation in this Resolution. (8/5/2006)

Section 11.05 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

1. Administrative Review:

To hear and decide on all appeals as set forth in Article XI, Section 11.06, where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector in carrying out or enforcing any provision of this Resolution.

2. Variance:

To authorize upon appeal, in specific cases, such variance from the terms of the Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

No variance shall be granted by the Board of Zoning Appeals with regard to permitted use and density provisions. Any modification of permitted use and density requirements may be accomplished only through a rezone amendment of the property in question or an amendment to the applicable permitted use and density provisions of the district regulations cited in Article IV.

3. Conditional Zoning Certificates:

To grant conditional zoning certificates for the use of land, buildings or other structures within a zoning district if such conditional zoning certificates for specific uses are not provided for in this Resolution.

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence showing that such use at the proposed location:

- a. Will be harmonious with and in accordance with the general objectives or with any specific objectives of this Resolution;
- 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 Township as a whole;
- e. Will have vehicular approaches to the property, which shall be so, designed as not to create an interference with traffic on abutting roads and streets;
- f. Shall establish such other reasonable conditions required to protecting the public health, safety and morals of the Township.

4. Special Exceptions:

To hear and decide in accordance with the provisions of this Resolution, requests for exceptions or interpretations of the Zoning District Map. Any exception or special approval shall be subject to such conditions as the Board of Zoning Appeals may require preserving and promoting the character of the zoning district in question and otherwise promoting the purpose of this Resolution, including the following:

- a. Interpret the provisions of this Resolution in such a way as to carry out the intent and purpose of the Resolution as shown upon the Zoning Districts Map fixing the use districts, accompanying and made a part of this Resolution, where the street layout or flood plain designation that actually exists on the ground varies from the street layout or flood plain designations shown on the map. Flood plain designation shall be shown on the Township flood designation map.

Section 11.06 Appeals

Appeals to the Board of Zoning Appeals may be taken by any person, firm, corporation, deeming itself to be adversely affected by the decision of the Zoning Inspector regarding the interpretation of this Resolution. All appeals shall be initiated by filing with the Zoning Inspector, a written appeal on a form provided within thirty (30) calendar days of the decision appealed.

An appeal filed with the Zoning Inspector shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer, whose decision is being appealed, certifies to the Board, after the notice of appeal has been filed, that by reason of facts stated in the zoning certificate or conditional zoning certificate, a stay would, in his opinion, cause imminent peril to life or property. Within its powers the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end shall have all the powers of the officers and bodies from whom the appeal was taken and it may issue or direct the issuance of a certificate.

Section 11.07 Public Hearing Procedure

1. All appeals and applications for a variance made to the Board of Zoning Appeals shall be filed with the Zoning Inspector. Every appeal or application for a variance shall refer to the specified provision of this Resolution involved and shall exactly set forth the interpretation that is claimed, the use for which the certificate is sought or the details of the appeal, and the grounds on which it should be granted. Each and every decision made by the Board shall be by Resolution and shall contain a full record of the findings of the Board in the particular case. Each such Resolution shall be filed by case number.
2. When a notice of appeal has been filed in the proper form, the board of zoning appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. The Secretary to the Board of Zoning Appeals shall send notices of the public hearing by letter to the owners of all properties bordering and abutting onto the land that is the subject of the appeal. (8/5/2006)
3. At public hearings on appeals and applications for variance the testimony shall be received under oath or affirmation; a verbatim record of the proceedings shall be kept; and the applicant shall be allowed upon application and deposit of fees to the issuance of subpoenas for the attendance of witnesses. All testimony shall be subject to cross-examination.

The Board of Zoning Appeals shall act on the appeal within a reasonable time after the conclusion of hearing proceedings and advise the applicant in writing thereof.

Section 11.08 Fees

All requests before the Board of Zoning Appeals shall be accompanied by a fee according to the schedule of fees, charges, amendments, appeals, special exceptions, variances, conditional zoning certificates, plan proposals and other matters pertaining to the administration and enforcement of this Resolution established and approved by the Trustees.

Section 11.09 Appeal to Higher Authority

Any person adversely affected by a decision of the Board may appeal to the Court of Common Pleas, Mahoning County, on the grounds that such decision was unreasonable or unlawful. (06/08/2012)

ARTICLE XII

RELATIONSHIP TO OTHER LEGISLATION

The provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, morals and safety. This Resolution is intended to be comprehensive legislation with respect to the use and regulation of land in the Township. It is intended to repeal and supersede all previous Zoning Resolutions only, and shall not be deemed to repeal any Resolutions or Rules of the Township presently in effect. In the event of any inconsistency between this Resolution, and any existing Resolution or Rule, this Resolution shall prevail.

ARTICLE XII
GREEN ENERGY

Section 12.01 Wind Energy Systems

1. Purpose:

The purpose of this section is to establish guidelines for the construction and operation of Wind Energy System (WES) and to provide standards for the placement, design, monitoring, modifications and removal of such systems.

Poland 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 neighbors that could be created by the WES.

2. Approval application:

a. Any proposed construction of a WES shall be permitted only by issuance of a Conditional Use Permit.

b. Every application for a WES permit shall include the following information:

(1) A Site plan showing:

(a) Property lines.

(b) Location of existing structures.

(c) Location of proposed WES tower, foundation, and associated equipment.

(d) Any overhead utility lines.

(e) The right of way of any public road that is contiguous with the property.

(f) Any easements including railway lines, right of ways or ingress/egress.

(2) Detailed drawings showing the proposed WES.

(a) Tower.

(b) Foundation.

(c) Accessory structures.

- (d) Electrical drawings showing both a physical plan and a wiring diagram.
- (3) WES specifications including manufacturers model number, blade diameter and tower height.
- (4) Detailed drawings of the proposed WES will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone, that it has appropriate over-speed controls and meets all electrical requirements and electrical codes.
- (5) A copy of the owner's manual, which shall include disconnecting instructions in case of emergency. A second copy shall be provided to the Western Reserve Joint Fire District.

3. Standards:

WES towers shall comply with all of the following standards as a requirement to obtain a conditional use permit:

- a) Minimum Lot Area. The minimum area for a WES tower shall be three acres.
- b) Maximum Height. The maximum WES tower height from the base to the tip of the blade at its highest point shall not exceed 150 feet.
- c) Minimum Blade Clearance. The lowest point of the arc created by rotating blades on a WES shall not be less than 20 feet measured from the highest point of the terrain to the blade.
- d) Fall Zone. In order to provide for a safe clear fall zone in the event of structural failure, there shall be a minimum distance of a least 1.2 times the height of the tower and blade from electrical transmission lines, gas wells, public or private roads, or structures. For aesthetic purposes, the fall line minimum distance from any property line shall be 2 times the height of the tower and blade.
- e) Maximum Noise Levels. The maximum sound produced by a WES during operation shall not exceed 60 dba at the nearest property line.
- f) Maximum Vibrations. A WES shall not produce humanly perceptible vibrations beyond the owner's property line.

- g) Over Speed Control. WES shall be equipped with an automatic over-speed control system for automatically controlling the blades speed as not to exceed the design limits of the system.
- h) Electrical Lines. All electrical lines that connect to the owner's service or to a public utility system shall be located underground.
- i) Tower Design. The WES tower shall be a Monopole or Monotube style construction. Lattice style towers and towers that utilize guide wires are not permitted. In addition, roof top WES' are not permitted.
- j) Ladder Or Port Access Hole. The first rung of the ladder, as per manufacturers design, shall be at least twelve (12) feet from the ground. All access ports must be lockable.

4. Lighting:

WES tower and blades shall not be illuminated. Lighting of other parts of the WES such as an accessory structure, shall be limited to the level required for safety and operational purposes and shall be reasonably shielded from abutting properties.

5. Color:

Towers, turbines, and blades if painted shall be white, black or gray.

6. Signage:

- (a) A sign no more than four square feet shall be installed and shall include the name and telephone number of a 24-hour emergency contact person. The sign shall also include all warnings of danger.
- (b) Advertising shall not be displayed except for reasonable identification of the manufacturer.
- (c) Reasonable operating instructions are permitted.

7. Shadow Flicker:

The WES shall be designed and located to counter the effects of shadow flicker on any neighboring residences and roadways caused by the rotation of the blades.

8. Abandonment:

Any WES which is not operated for a period of nine consecutive months or longer shall be deemed abandoned and must be removed by the owner. At the time of removal, the WES site must be restored to the state it was before the facility was constructed.

9. Modifications:

All modifications to a WES both during and after installation must be approved by the board of zoning appeals. This includes using the tower for other purposes than as a WES.

10. Maintenance:

WES shall be properly maintained at all times as stated in the owner's manual. Rust and corrosion must be removed in a timely fashion.

11. Multiple WES:

Multiple WES' shall be permitted on a single parcel so long as the owner complies with all regulations set forth for a single WES.

12. Compliance:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in the site plan review issued pursuant to this ordinance.

DEFINITIONS

Applicant: The entity or person who submits to the Chairperson of the Township Board of Zoning Appeals an application for conditional use for a WES.

Horizontal-axis WES: means the main rotor shaft of the turbine is oriented horizontally. This type of WES must be pointed into the wind.

Natural Ambient Noise Level: The normal and predominant noise level absent any industrial or commercial noise radiation, excluding any noise resulting from any Agricultural operations.

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

Shadow Flicker: A moving Shadow cast by the blades of a WES onto nearby residences or roadways. Normally not a problem in the U.S. because at U.S. latitudes, the sun's angle is not very low in the sky.

Vertical-axis WES: means the main rotor shaft of the WES is arranged vertically and does not have to be pointed into the wind.

Wind Energy System (WES): A tower, pylon, or other structure, including all accessory facilities, upon which any, all or some combination of the following is mounted:

- a. 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.
- b. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
- c. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WES Tower Height: Shall be calculated as described below.

- a. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WES, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the WES.
- b. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WES. (7-15-2011)

ARTICLE XIII

VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, zoning classification or any permitted uses therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and morals.

ARTICLE XIV

ENFORCEMENT, PENALTIES AND ADDITIONAL REMEDIES

Section 14.01 Violations

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the territory included in a zoning resolution without obtaining a zoning certificate, if required under Section 519.06 of the Revised Code, and no such zoning certificate shall be issued unless the plans for the proposed building or Structures fully comply with the zoning regulations then in effect. (8/5/2006)

Section 14.02 Inspection

The Zoning Inspector shall inspect each alleged violation and may initiate prosecution against the alleged violator.

Section 14.03 Stop-Work Order

Whenever it shall come to the attention of the Zoning Inspector that work of any kind is being undertaken contrary to the provisions of the zoning code, the Zoning Inspector shall promptly issue a stop work order to the owner of the premises involved, or to the agent of such owner, or to the person doing such work, and shall post at the site of the work a distinctive placard informing the public and all concerned that work at the site has been stopped by official order. Such order may be oral or written, and shall in all cases state the conditions under which work may be resumed. Such order shall also direct the performance of such work as may be necessary to remove any violations of the zoning code.

- a. On receiving the order, the recipient shall immediately cease such work and cause such work to be ceased by all other persons engaged therein. In the event the recipient of an order disagrees therewith, confirmation in writing from the Zoning Inspector may be requested and may then appeal from the order as provided herein, but the appeal shall not be deemed authority to resume such work until the appeal has been heard and favorably acted upon by the Board of Zoning Appeals.
- b. The Zoning Inspector shall notify the appropriate board chairperson within seventy-two (72) hours excluding weekends and holidays.
- c. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Resolution.

- d. Any person who shall violate any order or continue any prohibited work after notice, oral or written, that any order has been issued, shall be liable to the penalties prescribed by Section 14.04 of this Resolution. (8/5/2006)

Section 14.04 Penalties

The owner or owners of any building or premises or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, engineer, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction shall be assessed the fine of not more than five hundred dollars (\$ 500.00).

Section 14.05 Additional Remedies

1. Any landowner that will be particularly damaged by any violation of this Resolution may proceed by way of injunction, declaratory relief or other appropriate remedy against the violator to abate or prevent the violation. The failure of the Township to commence such proceedings shall not preclude such landowner from commencing such action. Demand upon the Township or the County Prosecutor shall not be required as a prerequisite to the commencement of such action nor shall the Township be a necessary part thereto.

2. In any action whether criminal or civil brought in respect to this Resolution, either the landowner or the person or corporation actually violating this Resolution shall be a proper party defendant.

Section 14.06 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 14.07 Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XV

CONFLICTING REGULATIONS

In the event any of the requirements or regulatory provisions of this Resolution are found to be inconsistent with one another, or any other resolution or protective covenant, the more restrictive requirements shall be deemed in each case to be applicable.

ARTICLE XVI

VALIDITY AND SEVERABILITY CLAUSE

Sections of this Resolution shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XVII

EFFECTIVE DATE

This Resolution shall be in full force and take effect and be in full force and effect from and after the earliest date allowed by law.

Adopted by the Board of Trustees of Poland Township, Mahoning County, Ohio, on this 21st day of May, 2004

Amended:

13th of October, 2005

5th of August, 2006

5th of October, 2006

13th of June, 2008

8th of August, 2008

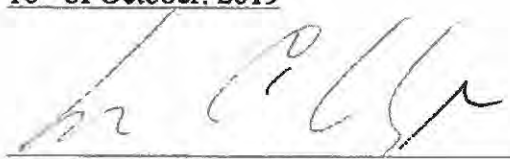
15th of July, 2011

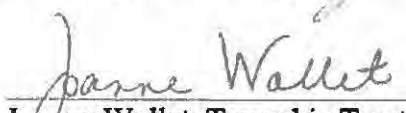
8th of June, 2012

13th of May, 2016

8th of August, 2018

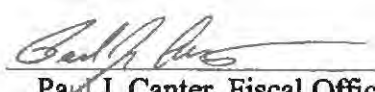
10th of October, 2019


Eric Ungaro, Township Trustee


Joanne Wollet, Township Trustee


Edward Kempers, Township Trustee

Attest by Township Clerk:


Paul J. Canter, Fiscal Officer