



SMITH TOWNSHIP

Mahoning County, Ohio

ZONING RESOLUTION

Adopted 1953

As amended through August 2009

Table of Contents

Section I.	Short Title	3
Section II.	Establishment of Districts	4
	A. Districts	
	B. Zoning District Map	
	C. Interpretation of District Boundaries	
Section III.	Application of Regulations	5
Section IV.	Definitions	6
Section V.	Enforcement	14
	A. Interpretation	
	B. Enforcement	
	C. Zoning Permits	
	D. Occupancy Permits	
	E. Violation & Penalty	
Section VI.	Administration	16
	A. Introduction	
	B. Zoning Inspector	
	C. Zoning Commission	
	D. Board of Zoning Appeals	
Section VII.	Appeals	18
	A. Appeals Process	
	B. Authority of the Board of Zoning Appeals	
Section VIII.	Agricultural District	19
	A. Permitted Buildings, Structures & Uses	
	B. Conditionally Permitted Uses	
	C. Prohibited Uses	
Section IX.	Residential Rural R-R District	24
	A. Permitted Buildings, Structures & Uses	
	B. Conditionally Permitted Uses	
	C. Prohibited Uses	
Section X.	Residential R-1 District	28
	A. Permitted Buildings, Structures & Uses	
	B. Conditionally Permitted Uses	
	C. Prohibited Uses	
Section XI.	Business District	32
	A. Principal Permitted Uses	
	B. Business Construction	
	C. Conditionally Permitted Uses	
	D. Prohibited Uses	

Section XII.	Industrial District	34
	A. Industrial Construction	
	B. Prohibited Uses	
Section XIII.	Commercial District	36
	A. Sexually Oriented Business	
Section XIV.	Water Reserve District	38
Section XV.	Supplementary Regulations	39
	A. Heavy Motor Vehicles, Tractor-Trailer Combo	
	B. Exotic Animals	
	C. Camp Sites	
	D. Signs	
	E. Corner Properties	
	F. Temporary Permits	
Section XVI.	Conditionally Permitted Uses	42
	A. Purpose	
	B. Application	
	C. Notice and Hearing	
	D. Basis of Determination	
	E. General Standards	
	F. Violations and Revocations	
	G. Appeals	
	H. Reapplication	
Section XVII.	Non-Conforming Building and Uses	46
	Zoning Map	

**Section I.
Short Title**

These regulations shall be known and may be cited as the
“Zoning Resolution of the Township of Smith”, Mahoning County, Ohio.

Section II.
Establishment of Districts

- A. For the purpose set forth in this Zoning Resolution, a portion of the land area within the unincorporated area of Smith Township is hereby divided into the following classes of districts:
 - 1. Agricultural District
 - 2. Rural Residential R-R District
 - 3. Residential R-1 District
 - 4. Business District
 - 5. Industrial District
 - 6. Commercial District
 - 7. Water Reserve District
 - 8. Cemeteries
 - 9. Parks
- B. **Zoning District Map** – The boundaries of said districts are defined as shown on a map entitled “Smith Township Zoning Map” (see attached), which map is hereby declared to be a part of this Zoning Resolution.
- C. **Interpretation of District Boundaries** – Where uncertainty exists with respect to the boundaries of any district as is shown on the Zoning Map, the following rules shall apply:
 - 1. Where a district boundary is shown to follow approximately a lot line, such lot line shall be construed to be the district boundary line.
 - 2. Where a district boundary line is shown on the Zoning Map to parallel approximately the centerline or street line of a street, or the centerline or right-of-way line of a highway, such district boundary line shall be construed as being parallel thereto.
 - 3. If no measurements are shown on the Zoning Map, measurements shall be determined by the use of the scale shown on the map.
 - 4. Where the boundary line of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the high water line.
 - 5. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, the depth of residential districts and the depth of business districts, fronting on streets or highways, is established for the purpose of this Zoning Resolution at three hundred (300) feet and five hundred (500) feet, respectively.

Section III.
Application of Regulations

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

- B. Any building hereafter erected, used, occupied, altered, restored, or reconstructed shall comply with this Zoning Resolution in regard to the:
 - 1. Number of families accommodated.
 - 2. The lot occupied.
 - 3. The size of front, rear and side yards.Any part of a yard or other open space required around any building for the purpose of complying with the provisions of this Zoning Resolution shall not be included as a part of a yard or other open space similarly required for another building.

- C. Whenever a district boundary line is changed by amendment of this Zoning Resolution so as to transfer an area from one district to another district of a different classification, the regulations for the district to which the area is transferred shall apply to all buildings, structures, and uses in the area so transferred.

Section IV. Definitions

- A. For the purposes of this Zoning Resolution, certain terms or words used herein shall be construed or defined as follows:
1. Words used in the present tense include the future tense.
 2. The singular number includes the plural.
 3. The word “person” includes a corporation, firm, partnership, or association of persons, as well as an individual.
 4. The word “lot” includes the word “plot” or “parcel”.
 5. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.

B. Definitions

Abandoned Motor Vehicles – Any motor vehicle or accessory to same which is stored or dismantled in an open area, which does not have a current valid license displayed.

Accessory Building – A subordinate building or structure, the use of which is customarily incidental to that of the main building and which is located on the same premises.

Accessory Use – Any use customarily incidental and subordinate to the principal use of a building, and located on the same premise with such principal use of building.

Alley – A minor street used primarily for vehicular service access running between or behind buildings having a right-of-way width of twenty (20) feet or less.

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

Automobile Wrecking Yard – Any place where one (1) or more motor vehicles not in running condition and which do not display a current valid license are stored or where the dismantling or wrecking of used motor vehicles, motor homes, or trailers occurs or where the storage of dismantled, partially dismantled, or obsolete or wrecked vehicles or their parts occurs.

Boarding House or Rooming House – Any dwelling, other than a hotel, wherein more than three (3) people are sheltered or fed for profit.

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

Building, front of – The line of the foundation of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

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

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

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

Conditional Use – A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Permit for said use to be issued by the Zoning Inspector when approved by the Board of Zoning Appeals.

Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Debris – Waste, scrap metal, paper, rags, glass, appliances, abandoned or discarded motor vehicles, machinery, equipment, garbage, used building materials, used lumber, rubber, cordage, barrels and other discarded materials.

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

Dwelling Unit – A dwelling or portion thereof that provides complete living facilities for one (1) family.

Dwelling one-family – A detached building designed for one (1) family or occupied exclusively by one (1) family.

Dwelling Two-family – A building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling Multiple – Any building under a single roof, with or without firewall partitions, designed for occupancy by or occupied by three (3) but no more than six (6) households living as families.

Exotic Animals – Any wild animal not indigenous to Ohio or any reptile not indigenous to Ohio. Additionally, omnivorous and carnivorous Ohio species

such as bear, wolves, coyote, fox, lynx, bobcat and any animal as defined in ORC (Ohio Revised Code) 1501:31-19-01 and 1501:31-23 are deemed exotic.

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

Garage, Private – A garage used for storage purposes for automobiles or chattel used by members of the family or families housed in the building to which such garage is accessory.

Governmental and Public Buildings – Public parks, public schools, public libraries and all buildings and lands used for the functions of governmental agencies.

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

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

House Trailer – Any self-propelled or non self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, and used or so constructed as to permit its being used as a conveyance upon the public streets, with a length of less than twenty-two (22) feet and a width of less than twenty-two (22) feet.

Junk Yard – An open area used for the collecting, storage, sale, recycling, exchange, baling, packing, sorting, disassembling, dismantling or handling of the following: waste, scrap metal, paper, rags, glass, appliances, abandoned or discarded motor vehicles, machinery, equipment, garbage, debris, used building materials, used lumber, rubber, cordage, barrels and other discarded materials.

Line, Street – The dividing line between the streets and abutting property.

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

Lot, Depth of – The average horizontal distance between the front and rear lot lines, measured generally parallel with the side lot lines.

Lot, Frontage of – The width measured along the street right-of-way boundary line upon which the lot fronts.

Lot, Width of – The width measured along the street right-of-way boundary line upon which the lot fronts.

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

Manufactured Home – A factory built home built pursuant to the HUD (Department of Housing and Urban Development) code after January 1, 1995, is attached to a permanent foundation, has a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet, has a minimum of nine hundred (900) square feet of living area, has conventional residential siding, a six (6) inch minimum eave overhang, and a minimum 3:12 roof pitch.

Mobile Home – Same as House Trailer, see “House Trailer”.

Mobile Home Park – Any site, lot, or tract of land which has been planned for the placement of mobile homes, and upon which three (3) or more mobile homes used for habitation are parked, and shall include any roadway, building, structure, vehicle, or enclosure used as a part of the facilities of such mobile home park.

Mobile Home Subdivision – Land platted and recorded into lots, restricted to mobile homes, with no more than one mobile home per lot.

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

Non-Conforming Use – A use existing at the time of the enactment of this Zoning Resolution, and which does not conform to the use regulations of the district in which it is located.

Open Area – The portion of a lot, not covered by a building area, open to the sky. It may include driveways, walkways, landscaping, fences and objects not defined under building area.

Permanent Foundation for Manufactured Home – Manufactured home must be built on top of masonry material, or full basement, below frost level, with minimum crawl space of two (2) feet above finished grade, and permanently attached to the home. (Crawl space may or may not be a finished floor).

Premise – A lot or lots owned by the same person.

Public Service Facility (Public Utility) – The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad whether publicly or privately owned, or by a government agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage service.

Recreational Vehicle – Include but are not limited to:

1. Travel Trailer (including 5th wheels) – A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses.
2. Pick-up Camper – A structure designed primarily to be mounted on a pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
3. Motorized Home – A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
4. Folding Tent trailer – A canvas folding structure mounted on wheels and designed for travel and vacation use.
5. Boats and Boat trailers – Includes boats, floats, rafts, and the normal equipment to transport the same on the highway.

Recreational Vehicle Camp – Accessory buildings and uses, other than public buildings and uses, customary to any use of the camp are permitted including the sale of refreshments, providing such facilities are for the exclusive use of the camp's occupants. No occupant may reside in the camp over fifteen (15) days in one thirty (30) day period.

Sexually Oriented Business – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

1. Adult Arcade – Any place to which the public is permitted or invited where either or both (1) motion picture machines, projectors, video or laser disc players, or (2) other video or image producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

3. Adult Cabaret – A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that regularly features:
 - (1) Persons who appear in a state of nudity or semi-nudity;
 - (2) Live entertainment characterized by the exposure of “specified anatomical areas” or the depiction or description of “specified sexual activities”; or
 - (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specific sexual activities” or specific anatomical areas”.
4. Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, video cassette, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “ specified anatomical areas”.
5. Adult theater – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
6. Covering – Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
7. Establishment – Includes any of the following:
 - (1) The opening or commencement of any Sexually Oriented Business as a new business;
 - (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;
 - (3) The addition of any Sexually Oriented Business to any other existing Sexually

- Oriented Business; or (4) The relocation of any Sexually Oriented Business.
8. Nude Model Studio – A place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include: (1) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation. (2) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (3) An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
 9. Nudity or a State of Nudity or Nude – Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernible turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
 10. Sexual Encounter Center – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
 11. Person – An individual, proprietorship, partnership, corporation, association, or other legal entity.
 12. Specified Anatomical Areas – (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

13. Specified Sexual Activities – (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy or (3) Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.
14. Substantial Enlargement – Sexually Oriented Business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this amendment takes affect.

Sign – Any structure, whether fixed or portable, or natural object, such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business or which shall display or include any letter, work, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of these regulations, the word sign does not include the flag, pennant, badge, or insignia of any governmental agency or charitable, religious, educational, or similar organization.

Structure – Any form of construction built for other than dwelling purposes.

Tent – A collapsible shelter of fabric, such as nylon or canvas, stretched and sustained by poles and used for camping outdoors or as a temporary building.

Wall Signs – Signs which are affixed to an exterior wall of a building and no part of which sign projects more than fifteen (15) inches and which identifies the business, commodity, service or entertainment, which is offered, sold or conducted on the premises.

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

Zoning Inspector – The designated Zoning Inspector of Smith Township or an authorized representative of the Zoning Inspector.

Zoning Map – The “Zoning Map of Smith Township, Mahoning County, Ohio”.

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

Section V. Enforcement

- A. **Interpretations** – On interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Wherever the requirements of this Zoning Resolution are at variance with the requirements of any other lawfully adopted rules, regulations or resolutions, the most restrictive, or that imposing the higher standards shall govern.
- B. **Enforcement** – The provisions of this ordinance shall be enforced by the Township Zoning Inspector, who shall be appointed by the Board of Township Trustees.
- C. **Zoning permits** – The Township Trustees adopt a system of zoning permits, establish and collect reasonable fees, and amend such fees, or adopt new fees, when necessary. Current guidelines are as follows:
1. A zoning permit shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection, reconstruction or major alteration of any **non-farm** building or structure or part thereof in the Township, either when the cost of material is valued in excess of two hundred (\$200) dollars, or when any new building or structure is placed upon the land so as to change the open area. A similar permit shall be secured before the construction or erection of any sign or billboard.
 2. All requests for zoning permits shall:
 - a. Be made in writing by the owner or by their authorized agent.
 - b. Include a statement of the use or intended use of the building or structure after construction, erection, reconstruction, or major alteration.
 - c. Be accompanied by a plan drawn to scale, showing the proposed building line in its exact relation to lot and street lines as well as satisfactory evidence the line or lines of the bounding street or streets has or have been accurately located on the ground.
 3. No zoning permit shall be issued unless the individual or company requesting same is the owner or owner's agent of an existing parcel of ground or a newly approved subdivided lot of sufficient size to comply with the requirements of this Zoning Resolution.
 4. Zoning permits shall expire in two (2) years. All buildings shall have exterior walls, roof, and doors completed within one (1) year of issuance and construction shall be completed within two (2) years; after

such time period the permit may be extended by the Board of Zoning Appeals for sufficient cause.

- D. **Occupancy permits** – Occupancy permits for any new use or any change in use of building or lands shall be issued by the Township Zoning Inspector. No building or structure for which a zoning permit is required, hereafter constructed, erected, reconstructed, or altered, shall be occupied, nor shall use be made of any land, until an occupancy permit has been issued by the Township Zoning Inspector, certifying that the building, structure, or land use complies with the provisions of this Zoning Resolution and the zoning permit specifications.
1. Occupancy permits shall be applied for co-incident with the application of a zoning permit. When the outside construction, alteration or similar preparation is completed for normal use, the Township Zoning Inspector shall be notified and shall issue or deny any occupancy permit within ten (10) days thereafter.
 2. No non-conforming use shall be maintained, renewed or changed without an occupancy permit having first been issued.
- E. **Violations** – No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Resolution subsequent to its adoption in Smith Township.
- F. **Penalties** – Violation of any provision of this Zoning Resolution or any amendment or supplement thereto shall constitute a misdemeanor, and each day the violation continues shall be deemed a separate offense, and each offense shall be punishable by a fine of not more than five hundred dollars (\$500), to comply with section 519.99 of the Ohio Revised Code (ORC).
- G. **Actions Instituted to Prevent Violation** – In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or proposed to be used without a permit in violation of this Zoning Resolution, the Board of Township Trustees, the Prosecuting Attorney of the county, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction reconstruction, enlargement, change, maintenance, or use.

Section VI. Administration

- A. This Zoning Resolution shall take effect immediately upon acceptance as required by law.
- B. Administration and Enforcement of Smith Township zoning is under the direction of the Ohio Revised Code, Chapter 519: Township Zoning.
- C. The Board of Township Trustees may amend or supplement this Zoning Resolution in accordance with the provisions of the Ohio Revised Code, Chapter 519, as amended, or any future amendments or supplements thereto, when such action is necessary.
- D. If, for any reason, any clause, sentence, paragraph, section, or any other part of this Zoning Resolution shall be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Zoning Resolution but shall be confined in its operation to the clause, sentence, paragraph, section, or other part of this Zoning Resolution directly involved in a controversy in which such judgment shall be rendered.
- E. The Township Trustees shall appoint a **Township Zoning Inspector** who shall be responsible for the enforcement of the provisions of this Zoning Resolution. The Zoning Inspector shall have the following duties:
 - 1. Review applications for zoning/occupancy permits to determine if the applications conform to the Zoning Resolution.
 - 2. Perform on-site inspection after the zoning permit is approved.
 - 3. Investigate violations.
 - 4. Maintain a record of non-conforming uses.
 - 5. Propose revisions to the Zoning Resolution.
 - 6. Review subdivision plats.
 - 7. Perform routine inspection of zoned areas.
 - 8. Cooperate with county officials.
- F. The Township Trustees shall appoint a **Township Zoning Commission** composed of five (5) residents of the township for five (5) year terms. The board of trustees may remove any member for cause and after public hearing in accordance with the provisions of section 519.04 of the Ohio Revised

Code. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The Commission shall have the following duties:

1. Preparation of the Zoning Resolution, both text and map.
2. Initiation of amendments to the Zoning Resolution as the need arises.
3. Make formal recommendation on all amendments initiated by the Township Trustees, property owners, or Zoning Commission.

G. The Township Trustees shall appoint a **Board of Zoning Appeals** composed of five (5) residents of the township for five (5) year terms. The board of trustees may remove any member for cause and after public hearing in accordance with the provisions of section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The Board of Zoning Appeals shall have the following duties:

1. Action on Appeals.
2. Action on request for variances.
3. Action on conditional uses.

H. The Zoning Commission and the Board of Zoning Appeals may make reasonable rules and regulations governing these procedures and the conduct of its business and each body may suspend or vary such procedural requirements, if in its judgment it will expedite the functioning of the body, or relieve unnecessary inconvenience or hardship.

Section VII. Appeals

Any person aggrieved or adversely affected by any decision of the Zoning Inspector or any person having a reasonable basis for requesting a variance of this Zoning Resolution, may make Appeals to the Board of Zoning Appeals.

A. Appeals Process

1. An Appeals shall be perfected by filing a notice of Appeals in the office of the Zoning Inspector, setting forth the order or decision from which the Appeals is taken or the grounds on which the Appeals are based.
2. In all cases, the required notice shall be filed within twenty (20) days from the entry of the order from which Appeals is perfected.

B. Authority of the Board of Appeals

1. An Appeal stays all orders or decisions unless the Zoning Inspector makes affidavit under oath that by reason of the circumstances, the facts of which shall be stated in the affidavit, a stay would result in imminent peril to life or property. In such case, there shall be no stay of any order or decision unless ordered by the Board of Zoning Appeals, or the Court of Common Pleas, for good cause shown.
2. The Board shall fix a reasonable time for the hearing of the Appeals, give ten (10) days notice to the parties of interest, and decide the Appeals within a reasonable time after it is submitted.
3. The presiding officer of the Board of Zoning Appeals shall have the authority to compel the attendance and testimony of witnesses, to administer an oath to witnesses, and to make such orders as may be necessary for the proper exercise of its function.
4. A majority vote of the members of the Board of Zoning Appeals shall be necessary to arrive at a decision or determination.

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

Section VIII. Agricultural District

The purpose of the Agricultural District is to provide for and preserve the agricultural base and open spaces of Smith Township. Agricultural pursuits necessarily affect the flow of traffic, the quality of air, and noise levels in their immediate area. Non-agricultural uses not specifically listed may be permitted as a conditional use upon showing that they do not conflict with agriculture.

Nothing in the following provisions shall prevent the use of land for agricultural purposes, or the construction or use of buildings or structures incident to such agricultural use, and **no zoning permit shall be required** for any such building or structure. For the purpose of this Zoning Resolution, “agriculture” shall include but is not limited to: agriculture, dairying, grazing, farming, pasturage, apiculture, horticulture, flora-culture, viticulture, and animal and poultry husbandry.

A. Permitted buildings, structures, and uses in the Agricultural District:

1. The usual agricultural dwellings, building and structures.
2. The growing and selling, whether at retail or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agriculture.
3. Dwelling houses and their accessory buildings and structures and their accessory uses.
4. Manufactured homes provided they meet all the qualification of Senate Bill 131 and House Bill 514.
 - a. Built in accordance with the Department of Housing and Urban Development (HUD) code after January 1, 1995.
 - b. Attached to a permanent foundation.
 - c. Length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet.
 - d. Minimum of nine hundred (900) square feet of living area.
 - e. Conventional residential siding, a six (6) inch minimum eave overhang and a minimum 3:12 roof pitch.

5. Mobile Homes – All mobile homes must be located in a mobile home park or subdivision.
6. Recreational Vehicles for Temporary Housing – A single occupied recreational vehicle may be parked on the same premises as a dwelling for a period not to exceed fifteen (15) successive nights in any ninety (90) consecutive days, provided no charge is made for such location or facilities offered, and that applicable set back and side yard restrictions are conformed with.
 - a. Set backs for recreational vehicles and/or tents used for temporary housing are six (6) feet from side or rear property line or twenty (20) feet from side street line and shall not be placed closer to the street than the front building line.
 - b. An occupancy permit will need to be secured from the township Zoning Inspector prior to placement of the recreational vehicle and/or tent for occupancy.
7. Governmental and publicly owned and operated buildings.
8. Public Service facilities.
9. Signs, subject to compliance with the provisions of the Supplementary Regulations of this Zoning Resolution.
10. Customary home occupations such as hairdresser or seamstress, and conducted by a person in their place of abode and provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.
11. Workshops used for repair and/or sale of agricultural items.
12. The office or studio of a physician, surgeon, dentist, artist, musician, lawyer, architect, teacher, real estate agent or other like professional person, in their place of abode, provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.

13. Private Swimming Pools – Private swimming pools, exclusive of portable above ground pools with an excavation of two (2) feet or less, shall be subject to the following regulations:
 - a. No portion of such pool shall be placed closer than ten (10) feet to any side or rear property line; or closer to a side street than a side yard requirement of the dwelling.
 - b. All in-ground pools shall be entirely enclosed with a safety fence no less than four (4) feet or more than six (6) feet in height. Such fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.
 - c. Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions.

14. Residential Construction in Agricultural District – When any residential dwelling is constructed, erected or placed upon property in an agricultural district it shall comply with the following regulations:
 - a. For non-agricultural buildings or structures, zoning and occupancy permits shall be required as described in Section V., C.
 - b. Set Back Line – When a residence is erected or placed upon land in an agricultural district, the lot on which it is erected or placed shall front not less than one hundred (100) feet on a public street or road, and shall have a set back of fifty (50) feet from said road right-of-way; provided, however, that such set back line is a minimum of seventy five (75) feet from the road center line wherever the road right-of-way is less than fifty (50) feet.
 - c. Side Yards
 - i. There shall be 2 (two) side yards with a total width of not less than twenty-four (24) feet. The width of the narrower of the two (2) side yards shall not be less than ten (10) feet except that, when a lot platted prior to the enactment of this Zoning Resolution is less than sixty (60) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot of difference to a total width of not less than sixteen (16) feet. The width of the narrower of the two (2) side yards shall not be less than eight (8) feet.
 - ii. In the case of a corner lot, any building other than a detached garage or other out-building may be placed to within twenty (20) feet of the side street.

- d. Rear Yards – There shall be a rear yard of not less than forty (40) feet deep.
- e. Height – Dwellings shall not exceed thirty-five (35) feet in height.
- f. Single Family Dwelling Size – One story single family dwellings erected, constructed, or placed upon a residential lot after the adoption of this Zoning Resolution shall have not less than nine hundred (900) square feet of living area and two story dwellings shall have not less than seven hundred fifty (700) square feet of living area on the ground floor; these areas shall be exclusive of porches, patios, breezeways, and/or garages.
- g. Access of Light and Air – Every room used or to be used for residential purposes above ground level shall have an opening upon a court or other open space of not less than ten (10) square feet of window area for each one hundred (100) square feet of floor area except for an interior ½ bath.

15. Private Garages, Other Outbuildings, and Structures

- a. Garages, other outbuildings, and structures shall not be placed closer to the street line than the front building line, nor closer to the side or rear property line than six (6) feet, nor closer to a side street line than a distance of twenty (20) feet.
- b. The above, however, shall not prevent the building of a common or joining garage on lots adjoining at the side or prevent the construction of a garage as a structural part of a dwelling; and a garage so constructed, may be located as close as six (6) feet to the side lot line.
- c. Space in a private garage for residential use may be used for not more than one (1) commercial vehicle provided it requires no more space than is required for an ordinary passenger vehicle, and space may be rented for not more than two (2) passenger vehicles of other than occupants of the building to which such garages are accessory.

B. Conditionally Permitted Uses in the Agriculture District – After obtaining a conditional use permit from the Board of Zoning Appeals in accordance with the provisions of these regulations, the following uses may be permitted:

- 1. Roadside stands, offering for sale agricultural products produced on the premises, and other products.

2. Strip mining or quarrying for coal, peat, sand, gravel, clay, shale, limestone, sandstone, or any other mineral, stone, or substance from the earth.
3. Gas and oil wells
4. Airports with necessary buildings and appurtenances.
5. Churches and parish houses, Sunday schools and educational institutions (private), hospitals or other facilities of an educational, religious, charitable, philanthropic or non-profit nature.
6. Cemeteries, mausoleums or crematories.
7. Mobile home park
8. Exotic animals

C. Prohibited Uses in Agriculture District – Without limiting the foregoing, the following are specifically prohibited:

1. Junk Yards, automobile wrecking yards, and/or abandoned motor vehicles.
2. Landfills.

Section IX. Residential Rural R-R District

The purpose of the Residential Rural District is to provide for detached single-family dwellings at low densities of (1 – 5 acre lots) intended to preserve the semi-rural character of Smith Township. Zoning and occupancy permits shall be required as described in Section V., C.

A. Permitted buildings, structures, and uses in Residential Rural District:

1. The usual agricultural dwellings, building and structures.
2. The growing and selling, whether at retail or wholesale, of all types of agricultural produce, livestock and appurtenant products produced on the premises and resulting from agriculture.
3. Dwelling houses and their accessory buildings and structures and their accessory uses.
4. Manufactured homes provided they meet all the qualification of Senate Bill 131 and House Bill 514.
 - a. Built in accordance with the Department of Housing and Urban Development (HUD) code after January 1, 1995.
 - b. Attached to a permanent foundation.
 - c. Length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet.
 - d. Minimum of nine hundred (900) square feet of living area.
 - e. Conventional residential siding, a six (6) inch minimum eave overhang and a minimum 3:12 roof pitch.
5. Mobile Homes – All mobile homes must be located in a mobile home park or subdivision.
6. Recreational Vehicles for Temporary Housing – A single occupied recreational vehicle may be parked on the same premises as a dwelling for a period not to exceed fifteen (15) successive nights in any ninety (90) consecutive days, provided no charge is made for such location or facilities offered, and that applicable set back and side yard restrictions are conformed with.

- a. Set backs for recreational vehicles and/or tents used for temporary housing are six (6) feet from side or rear property line or twenty (20) feet from side street line and shall not be placed closer to the street than the front building line.
 - b. An occupancy permit will need to be secured from the township Zoning Inspector prior to placement of the recreational vehicle and/or tent for occupancy.
7. Governmental and publicly owned and operated buildings.
8. Public Service facilities.
9. Signs, subject to compliance with the provisions of the Supplementary Regulations of this Zoning Resolution.
10. Private Swimming Pools – Private swimming pools, exclusive of portable above ground pools with an excavation of two (2) feet or less, shall be subject to the following regulations:
 - a. No portion of such pool shall be placed closer than ten (10) feet to any side or rear property line; or closer to a side street than a side yard requirement of the dwelling.
 - b. All in-ground pools shall be entirely enclosed with a safety fence no less than four (4) feet or more than six (6) feet in height. Such fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.
 - c. Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions.
11. Residential Construction in Residential Rural District – When any residential dwelling is constructed, erected or placed upon property in a Rural Residential District it shall comply with the following regulations:
 - a. Set Back Line – When a residence is erected or placed upon land in a Rural Residential district, the lot on which it is erected or placed shall front not less than one hundred (100) feet on a public street or road, and shall have a set back of fifty (50) feet from said road right-of-way; provided, however, that such set back line is a minimum of seventy five (75) feet from the road center line wherever the road right-of-way is less than fifty (50) feet.

- b. Side Yards
 - i. There shall be 2 (two) side yards with a total width of not less than twenty-four (24) feet. The width of the narrower of the two (2) side yards shall not be less than ten (10) feet except that, when a lot platted prior to the time of enactment of this Zoning Resolution is less than sixty (60) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot of difference to a total width of not less than sixteen (16) feet. The width of the narrower of the two (2) side yards shall not be less than eight (8) feet.
 - ii. In the case of a corner lot, any building other than a detached garage or other out-building may be placed to within twenty (20) feet of the side street.
 - c. Rear Yards – There shall be a rear yard of not less than forty (40) feet deep.
 - d. Height – Dwellings shall not exceed thirty-five (35) feet in height.
 - e. Single Family Dwelling Size – One story single family dwellings erected, constructed, or placed upon a residential lot after the adoption of this Zoning Resolution shall have not less than nine hundred (900) square feet of living area and two story dwellings shall have not less than seven hundred fifty (750) square feet of living area on the ground floor; these areas shall be exclusive of porches, patios, breezeways, and/or garages.
 - f. Access of Light and Air – Every room used or to be used for residential purposes above ground level shall have an opening upon a court or other open space of not less than ten (10) square feet of window area for each one hundred (100) square feet of floor area.
12. Private Garages, Other Outbuildings, and Structures
- a. Garages, other outbuildings, and structures shall not be placed closer to the street line than the front building line, nor closer to the side or rear property line than six (6) feet, nor closer to a side street line than a distance of twenty (20) feet.
 - b. The above, however, shall not prevent the building of a common or joining garage on lots adjoining at the side or prevent the construction of a garage as a structural part of a dwelling; and a garage so constructed, may be located as close as six (6) feet to the side lot line.

- c. Space in a private garage may be used for not more than one (1) commercial vehicle provided it requires no more space than is required for an ordinary passenger vehicle, and space may be rented for not more than two (2) passenger vehicles of other than occupants of the building to which such garages are accessory.

B. Conditionally Permitted Uses in the Residential Rural District – After obtaining a conditional use permit from the Board of Zoning Appeals in accordance with the provisions of these regulations, the following uses may be permitted:

1. Roadside stands, offering for sale agricultural products produced on the premises, and other products.
2. Strip Mining or quarrying for coal, peat, sand, gravel, clay, shale, limestone, sandstone, or any other mineral, stone, or substance from the earth.
3. Gas and oil wells
4. Airports with necessary buildings and appurtenances.
5. Churches and parish houses, Sunday schools and educational institutions (private), hospitals or other facilities of an educational, religious, charitable, philanthropic or non-profit nature.
6. Cemeteries, mausoleums or crematories.
7. Customary home occupations such as hairdresser or seamstress, and conducted by a person in their place of abode and provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.
8. Workshops used for repair and/or sale of agricultural items.
9. The office or studio of a physician, surgeon, dentist, artist, musician, lawyer, architect, teacher, real estate agent or other like professional person, in their place of abode, provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.
10. Mobile home park

C. Prohibited Uses in Residential Rural District – Without limiting the foregoing, the following are specifically prohibited:

1. Junk yards, automobile wrecking yards, and/or abandoned motor vehicles.
2. Landfills.
3. Exotic animals

Section X. Residential R-1 District

The purpose of the Residential R-1 District is to provide for single and two family residences at a density of two (2) to seven (7) dwelling units per net acre in areas that are or may reasonably be expected to be provided with central sewer and water facilities. Zoning and occupancy permits shall be required as described in Section V., C.

A. Permitted buildings, structures, and uses in Residential R-1 District:

1. Dwelling houses and their accessory buildings and structures and their accessory uses.
2. Manufactured homes provided they meet all the qualification of Senate Bill 131 and House Bill 514.
 - a. Built in accordance with the Department of Housing and Urban Development (HUD) code after January 1, 1995.
 - b. Attached to a permanent foundation.
 - c. Length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet.
 - d. Minimum of nine hundred (900) square feet of living area.
 - e. Conventional residential siding, a six (6) inch minimum eave overhang and a minimum 3:12 roof pitch.
3. Mobile Homes – All mobile homes must be located in a mobile home park or subdivision.
4. Recreational Vehicles for Temporary Housing – A single occupied recreational vehicle may be parked on the same premises as a dwelling for a period not to exceed fifteen (15) successive nights in any ninety (90) consecutive days, provided no charge is made for such location or facilities offered, and that applicable set back and side yard restrictions are conformed with.
 - a. Set backs for recreational vehicles and/or tents used for temporary housing are six (6) feet from side or rear property line or twenty (20) feet from side street line and shall not be placed closer to the street than the front building line.

- b. An occupancy permit will need to be secured from the township Zoning Inspector prior to placement of the recreational vehicle and/or tent for occupancy.
5. Governmental and publicly owned and operated buildings.
6. Public service facilities.
7. Signs, subject to compliance with the provisions of the Supplementary Regulations of this Zoning Resolution.
8. Private Swimming Pools – Private swimming pools, exclusive of portable above ground pools with an excavation of two (2) feet or less, shall be subject to the following regulations:
 - a. No portion of such pool shall be placed closer than ten (10) feet to any side or rear property line; or closer to a side street than a side yard requirement of the dwelling.
 - b. All in-ground pools shall be entirely enclosed with a safety fence no less than four (4) feet or more than six (6) feet in height. Such fence may enclose the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.
 - c. Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions.
9. Residential Construction in Residential R-1 District – When any residential dwelling is constructed, erected or placed upon property in a Residential R-1 District, it shall comply with the following regulations:
 - a. Set Back Line
 - i. If there are one or more pre-existing single family residence dwellings on adjacent lots within one hundred and fifty (150) feet in either direction along the street line from a proposed single family dwelling or other structure, such proposed dwelling or structure must be set back from the street line the average distance of the set backs of the pre-existing residential dwellings. However, no provisions of this paragraph shall be construed to require a set back greater than fifty (50) feet from the street line; nor shall any building be placed nearer to a front street property line than thirty (30) feet.
 - ii. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a set back of not less than fifty (50) feet

from the road right-of-way line shall be observed; provided, however, that such set back line is a minimum of seventy-five (75) feet from the road center line wherever the road right-of-way is less than fifty (50) feet.

- b. Side Yards
 - i. There shall be 2 (two) side yards with a total width of not less than twenty-four (24) feet. The width of the narrower of the two (2) side yards shall not be less than ten (10) feet except that, when a lot platted prior to the time of enactment of this Zoning Resolution is less than sixty (60) feet wide, the total width of the two (2) side yards may be reduced by nine (9) inches for each foot of difference to a total width of not less than sixteen (16) feet. The width of the narrower of the two (2) side yards shall not be less than eight (8) feet.
 - ii. In the case of a corner lot, any building other than a detached garage or other out-building may be placed to within twenty (20) feet of the side street.
 - c. Rear Yards – There shall be a rear yard of not less than forty (40) feet deep.
 - d. Height – Dwellings shall not exceed thirty-five (35) feet in height.
 - e. Single Family Dwelling Size – One story single family dwellings erected, constructed, or placed upon a residential lot after the adoption of this Zoning Resolution shall have not less than nine hundred (900) square feet of living area and two story dwellings shall have not less than seven hundred fifty (750) square feet of living area on the ground floor; these areas shall be exclusive of porches, patios, breezeways, and/or garages.
 - f. Access of Light and Air – Every room used or to be used for residential purposes above ground level shall have an opening upon a court or other open space of not less than ten (10) square feet of window area for each one hundred (100) square feet of floor area.
10. Private Garages, Other Outbuildings, and Structures
- a. Garages, other outbuildings, and structures shall not be placed closer to the street line than the front building line, nor closer to the side or rear property line than six (6) feet, nor closer to a side street line than a distance of twenty (20) feet.
 - b. The above, however, shall not prevent the building of a common or joining garage on lots adjoining at the side or prevent the construction of a garage as a structural part of a dwelling; and a

garage so constructed, may be located as close as six (6) feet to the side lot line.

- c. Space in a private garage may be used for not more than one (1) commercial vehicle provided it requires no more space than is required for an ordinary passenger vehicle, and space may be rented for not more than two (2) passenger vehicles of other than occupants of the building to which such garages are accessory.

B. Conditionally Permitted Uses in the Residential R-1 District – After obtaining a conditional use permit from the Board of Zoning Appeals in accordance with the provisions of these regulations, the following uses may be permitted:

1. Roadside stands, offering for sale agricultural products produced on the premises, and other products.
2. Gas and oil wells
3. Churches and parish houses, Sunday schools and educational institutions (private), hospitals or other facilities of an educational, religious, charitable, philanthropic or non-profit nature.
4. Customary home occupations such as hairdresser or seamstress, and conducted by a person in their place of abode and provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.
5. The office or studio of a physician, surgeon, dentist, artist, musician, lawyer, architect, teacher, real estate agent or other like professional person, in their place of abode, provided that not more than one half (1/2) of the area of one (1) floor shall be used for such purpose, and provided there are no more than two (2) paid employees or assistants.

C. Prohibited Uses in Residential R-1 District – Without limiting the foregoing, the following are specifically prohibited:

1. Junk Yards, automobile wrecking yards, and/or abandoned motor vehicles.
2. Landfills.
3. Exotic animals

Section XI. Business District

The purpose of the Business District is to provide areas for the establishment of business, together with residential, at a density of 1 unit per acre to 7 units per acre. Efforts will be made to establish these districts where there are adequate public utilities and convenient access to primary thoroughfares.

- A. Principal Permitted Uses** – In the Business Districts only the following buildings, structures and uses shall be permitted.
1. All buildings, structures and uses permitted in Residential R-R Districts and Residential R- 1 Districts.
 2. Stores, shops and business offices, restaurants, hotels, motels, and theaters; garages and gas stations, subject to the regulations of the laws of the State of Ohio and as permitted by law in all other respects; and all other buildings, structures usual and customarily located in the business district.
 3. Community or Club Swimming Pools – Community or club swimming pools shall comply with the following regulations:
 - a. The pool and the area used by bathers shall be no closer than fifty (50) feet to any property line.
 - b. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children. Said fence or wall shall be no less than five (5) feet in height and maintained in good condition.
- B. Business Construction in the Business Districts**
1. Off Street Parking – Two hundred (200) square feet of parking space with adequate access shall be provided on the same lot with all new structures for each three hundred (300) square feet of area that such business structure exceeds two thousand (2,000) square feet of first floor area and for each five hundred (500) square feet of area that each additional floor uses for business purpose exceeds two thousand (2,000) square feet. The enlargement or alteration of structures existing at the time of enactment of the Zoning Resolution where the existing lot size is inadequate to make compliance with this requirement possible shall be accepted.
 2. Set Back Line – All buildings, structures and uses or any portion thereof to be erected, reconstructed or altered, including steps and

porches, shall have a set-back line of not less than twenty-five (25) feet from the road right-of-way.

C. Conditionally Permitted Uses in Business Districts

1. Repair or machine shops and automotive repair facilities not employing more than five (5) persons.
2. Monument works.

D. Prohibited Uses in Business Districts

1. Any process of manufacture, assembly or treatment which normally constitutes a nuisance by reason of odor, noise, dust or smoke, or which constitutes an unusual fire hazard.
2. Slaughtering poultry and animals, rendering lards and other fats and meat smoking, whether or not the same is incidental to a retail business.
3. Junkyards, automobile wrecking yards, and/or abandoned motor vehicles.
4. Laundries or dyeing and cleaning works with capacity for more than ten (10) employees engaged in these processes.
5. Commercial warehouses, lumber and coal yards and building material storage yard.
6. Bottling and brewing or distilling of alcoholic liquors.
7. The storage of explosives, and the storage of crude oil, or any of its volatile products or other highly inflammable liquids in above ground tanks except in accordance with state regulations in respect thereto.
8. Stone works.
9. Any process, manufacture or treatment constituting a nuisance by reason of the creation of liquid wastes or liquid born wastes of objectionable or polluting nature. Objectionable or polluting wastes shall be defined as those wastes which adversely affect the bacteriological, chemical or physical quality or potability of the water in such a manner as to make it unfit or undesirable for clarification and filtration; or wastes which create any hazard, nuisance, or are unfit for human consumption after conventional treatment procedures of clarification and filtration; or wastes which create any hazard, nuisance or detriment to the down stream residents and property owners, on any lake, stream or river.

Section XII. Industrial District

The purpose of the Industrial District is to encourage the development of establishments for assembly, manufacture and warehousing. This district will be subject to increased utility usage and motor vehicle and truck traffic. Efforts will be made to establish these districts where there are adequate public utilities and convenient access to primary thoroughfares.

A. Industrial Construction in the Industrial Districts

1. Set Back Line
 - a. A set back line of not less than fifty (50) feet from the road right-of-way line shall be observed; provided, however, that such set back line is a minimum of seventy – five (75) feet from the road centerline wherever the road right-of-way is less than fifty (50) feet.
 - b. No building or structure in an industrial district shall be erected within, or structurally altered to extend within one hundred (100) feet of a residential district boundary line. Such space may be used for employee and/or visitor parking, or shall be seeded, planted, and properly maintained. If used for parking, adequate screen planting shall be provided where required by the Board of Zoning Appeals. Screen plantings shall also be provided in other locations where considered necessary and required by such Board.
2. Off Street Parking – Two hundred (200) square feet of parking space with adequate access shall be provided on the same lot with all new structures for each three hundred (300) square feet of area that such business structure exceeds two thousand (2,000) square feet of first floor area and for each five hundred (500) square feet of area that each additional floor used for business purposes exceeds two thousand (2,000) square feet. The enlargement or alteration of structures existing at the time of enactment of the Zoning Resolution where the existing lot size is inadequate to make compliance with this requirement possible shall be accepted.

B. Prohibited Uses

1. Any process of assembly, manufacture or treatment constituting a nuisance by reason of smoke, odor, dust or noise and including, but not limited to such things as the manufacture or refining of fertilizer, glue or gelatin, and the tanning of hides and skins.

2. Any process of assembly, manufacture or treatment constituting a hazardous use including, but not limited to such things as the manufacture of fireworks and explosives, and poisonous gases.
3. The storage of crude oil or any of its volatile products or other highly flammable liquids in above ground tanks except in accordance with state regulations in respect thereto, and provided further that all above-ground tanks that have the capacity of ten thousand (10,000) gallons or more shall be properly diked with dikes having a capacity equal to one and one half (1 ½) times the capacity of the tank or tanks surrounded.
4. Junkyards, automobile wrecking yards, and/or storage of abandoned motor vehicles, except where the same are housed entirely within a building.
5. The bailing or treatment of debris, iron, rags, bottles, scrap paper or other recyclables, except within a building.
6. Any process of assembly, manufacture or treatment constituting a nuisance by reason of the creation of liquid wastes of objectionable or polluting nature. Objectionable or polluting wastes shall be bacteriological, chemical or physical quality or potability of the water in such a manner as to make it unfit or undesirable for human consumption after conventional treatment procedures of clarification and filtration: or wastes which create any hazard, nuisance or detriment to the downstream residents and property owners, on any lake, stream or river.
7. Mobile home parks.

Section XIII. Commercial District C-1

A. Sexually Oriented Business

1. It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of Smith Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the first amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the de-valuing of property.
2. The Board of Trustees desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.
3. Application. For the purpose of applying these regulations, the following are classified as Sexually Oriented Businesses:
 - a. Adult Arcades;
 - b. Adult Bookstores, Adult Novelty Stores, or Adult Video Stores;
 - c. Adult Cabarets;
 - d. Adult Motion Picture Theaters;
 - e. Adult Theaters;
 - f. Nude Model Studios; and
 - g. Sexual Encounter Centers.
4. Permitted Locations. Sexually Oriented Businesses may be located in the Commercial District subject to the following restrictions and limitations:
 - a. No Sexually Oriented Business shall be established within five hundred (500) feet of a church, synagogue, temple, or other place used primarily for religious worship;

- b. No Sexually Oriented Business shall be established within five hundred (500) feet of a public or private educational facility, including but not limited to nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, special education facilities, and colleges.
 - c. No Sexually Oriented Business shall be established within five hundred (500) feet of a public park or recreation area, publicly owned open space, teen or youth center, or private recreation facility regularly used for community or public sponsored recreation activities.
 - d. No Sexually Oriented Business shall be established within five hundred (500) feet of another Sexually Oriented Business.
For purposes of complying with this Section, measurements shall be made in a straight line from the nearest edge or portion of the building containing, or proposed to contain, the Sexually Oriented Business, to the nearest property line of the premises of the use, or uses, listed herein, without regard to paths of travel or intervening structures or obstructions.
- 5. Product and Activity Displays: all activities associated with a Sexually Oriented Business shall be conducted entirely within a completely enclosed building. No products, merchandise, displays, or activities shall be placed or conducted outside of the building or in such a manner as to be visible from off the premises.
 - 6. All Signs must be “wall signs” as defined in the Smith Township Zoning Resolution, with a maximum allowable sign area of 40 square feet.
 - 7. For further regulations, see “Smith Township Regulations Governing Sexually Oriented Businesses and Employees” (adopted March, 7th, 2008 by the Smith Township Trustees).

**Section XIV.
Water Reservoir Districts**

The purpose of the Water Reservoir District is to restrict the use of land for wet lands, game preservations, and uses ordinarily considered accessory thereto.

Section XV. Supplementary Regulations

A. Heavy Motor Vehicles, Tractor-Trailer Combinations

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

B. Exotic Animals

1. No person shall own, harbor, keep, breed, sell or import any exotic animal within any zoning district except as a conditional use in the agricultural district.
2. An exotic animal purchased or adopted and housed on the subject property prior to the adoption of this text are exempted from such prohibition, provided that:
 - a. A bill of sale or notarized statement that verifies this date is provided.
 - b. Such exotic animal is confined in a house, building, or other suitable enclosure in such a way that human contact cannot occur with any person other than the owner.
 - c. All exotic animals shall be properly licensed through the state and local animal laws, including having all the required vaccinations subject to that species.
 - d. At the entrance to the property where the animal is kept a conspicuous warning sign is posted to indicate what exotic animal or animals are present on the property.

C. Camp Sites

1. No camping shall be permitted in any district in the Township, except by youth organizations such as Camp Fire Girls, Boy Scouts, etc., unless proper application is made to the Board of Zoning Appeals and the Board authorizes same on a temporary basis, which authorization shall be good for a period not to exceed six (6) months.

D. Signs

1. Signs include, but are not limited to the following: outdoor advertising displays, billboards, painted bulletins, electric signs, ground signs, roof signs, wall signs, projecting signs, post signs, marquee signs, temporary signs, both illuminated and non-illuminated.
2. In an Agricultural, Business, or Industrial District, there shall be no limitation on the size, character or placement of signs; provided however, that all signs must be set back from the street and have such character and clearance so as not to constitute a traffic hazard. The Zoning Inspector shall be authorized to refuse to issue a permit for any sign in the aforesaid districts, which, in this opinion, constitutes a hazard to traffic.
3. In a Business or Industrial District, no sign shall extend more than five (5) feet over a sidewalk or other public way. All signs extending over a sidewalk or other public way must provide not less than eight (8) feet clearance.
4. Advertising display upon a barn or other building or surface shall be regarded as coming within the following regulations.
 - a. There shall be a minimum of three (3) feet clearance under all freestanding commercial advertising signs.
 - b. All signs must have identification and permit number of the owner and fabricator on the face.
 - c. Exceptions:
 - i. Signs shall not be deemed to include the following: traffic, directional or other municipal signs, legal notices, railroad crossing and danger signs.
 - ii. Signs such as memorial tablets and names of buildings built into the walls of the building as an integral part of the building.
 - iii. Signs erected within any building, whether visible to the public or not.
 - iv. A permit but no fee shall be required for signs made for non-profit youth and adult community organizations, including schools, parks, and governmental business.
 - d. In a Residential District, no stationary signs shall be permitted except:
 - i. Customary professional and home occupation signs, not larger than ten (10) square feet.
 - ii. Tourist home signs not larger than four (4) feet square.
 - iii. Real estate signs not larger than five (5) square feet, when placed on property offered for sale or rent.

- iv. Signs appropriate to a public or quasi-public building.
- v. Signs identifying a building or use permitted under the Zoning Resolution, not larger than ten (10) square feet.
- vi. Signs incident to legal process and necessary to the public welfare.
- vii. Political Campaign Signs – Signs announcing candidates seeking public political office and other data pertinent thereto. These signs shall be confined within private property. Political campaign signs shall not be displayed earlier than thirty (30) days before a primary, general or special election, and shall be removed within seven (7) days after the election for which they were made.

E. Corner Properties

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

F. Temporary Permit

- 1. A temporary permit may be authorized by the Board of Zoning Appeals for a period not to exceed one (1) year, for non-conforming uses incidental to housing and construction projects, and including but not limited to such structures and uses as storage of building supplies, machinery, or a real estate office located on a tract being offered for sale, provided such permits are issued only upon agreement by the owners to remove the structure or structures upon the final expiration of the permit, and discontinue the use or uses. Such permit may be annually renewed for a period of two (2) years.

Section XVI. Conditionally Permitted Uses

A. Purpose

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

B. Application

1. Submission – An application shall be submitted through the Board of Zoning Appeals on a special form for that purpose.
2. Data Required with Application – Each application shall include at a minimum, the following:
 - a. Six (6) copies of a site plan, plot and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses, plus parking, loading and landscaped areas.
 - b. Complete plans and specifications for all proposed development and construction.
 - c. A statement supported by substantiating evidence regarding the requirements enumerated for the particular Conditional Use.
 - d. A fee established by the Board of Township Trustees.

3. **Review and Approval**

The Zoning Inspector shall review each application for completeness, accuracy, and compliance with this Zoning Resolution. Within three (3) business days of the submission date, the Zoning Inspector shall determine whether the application is complete. If the application is determined to be insufficient, the Zoning Inspector shall notify the applicant of the nature of the deficiency. If the application is determined to be complete, the Zoning Inspector shall officially accept the application and commence the review process.

C. Notice and Hearing

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

D. Basis of Determination

The Board of Zoning Appeals shall consider each application for a Conditional Use Permit based upon the general and specific standards set forth herein. No Conditional Use Permit shall be approved unless the Board determines that such use will comply with said standards. When approving a Conditional Use Permit, the Board of Zoning Appeals may impose such additional conditions and safeguards as it may deem necessary for the general welfare, the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Resolution will be observed. Upon approval by the Board, the Zoning Inspector shall issue a Conditional Use Permit setting forth the terms and conditions of such approval.

E. General Standards for all Conditionally Permitted Uses – The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall make a determination based upon the evidence provided whether such use in the proposed location:

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

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

Resolution or the conditions of the Conditional Use Permit within such time period, the Zoning Inspector shall take appropriate action to compel compliance and/or abate the violation as provided in Section V. Where a permit holder continues to violate the provisions of a Conditional Use Permit, the Zoning Inspector may, in addition to taking actions set forth in Section V, refer the Conditional Use Permit to the Board of Zoning Appeals to consider possible revocation of the Conditional Use Permit.

G. **Appeals** – When an individual is aggrieved by a decision or action of the Zoning Inspector with regard to administration or enforcement of a Conditional Use Permit, such individual may Appeal said action or decision as set forth in Section V.

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

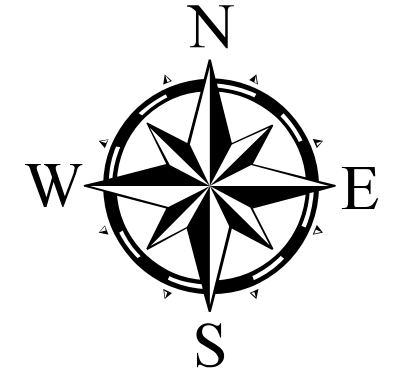
**Section XVII.
Non-Conforming Buildings and Uses**

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

- A. **Construction Started Prior to Zoning Resolution** – Nothing herein contained shall require any change in plans, construction, or use of a building, the actual construction of which shall have been begun prior to the adoption of this Zoning Resolution, and which entire building shall be completed according to such original plans within six (6) months of said time adoption.
- B. **Reconstruction, Alteration and Extension of a Non-conforming Building or Structure** – A non-conforming building or structure may be reconstructed, altered, or extended except as follows: When damaged by fire, explosion, riot, flood, or similar other cause; provided such reconstruction is started within one (1) year and is completed within two (2) years of the time of damage, and there is no extension in the size, bulk, or area previously used. The service capacity of any non-conforming use conducted wholly or in part in the open shall not be extended.
- C. **Abandonment** – Whenever a non-conforming use has been discontinued for a period of two (2) years, such use shall not be re-established, and any future use shall be in conformity with the provisions of this Zoning Resolution.
- D. **Changes** – Once changed to a conforming use, no building, land, or other structure shall be permitted to revert to a non-conforming use. No new non-conforming use may be added to, or substituted for, an existing non-conforming use.

Zoning Map Township of Smith

Mahoning County, OHIO
Prepared By
The Mahoning County GIS Department
For
The Smith Township Zoning Commission



Map Legend

- | | |
|------------------------------|--------------------------|
| ----- City Boundary | ▲ Campground |
| --- County Boundary | ■ Government Building |
| --- School District Boundary | ⛳ Golf Course |
| --- Township Boundary | 🏥 Hospital |
| --- Village Boundary | ⛪ Historical Society |
| --- River/Stream | 🔧 Maintenance Building |
| --- Airport/Landing Strip | 🏛️ Museum |
| --- Bike Trail | ★ Point of Interest |
| □ Tax Parcel | 🛒 Shopping Center |
| 🔴 Cemetery | 🎓 School |
| 🟦 Lake | 🏭 Sewage Treatment Plant |
| 🟦 River/Wide Stream | ⊙ Water Storage Tank |
| 🟩 Swamp | ⊗ Water Treatment Plant |
| 🟩 Park | |

Zoning Legend

- | |
|-------------------|
| 🟫 AG Agricultural |
| 🟪 B Business |
| ⬛ I Industrial |
| 🟡 R-1 Residential |

Trustees

Approved This ___ Day Of _____



The digital data contained herein was compiled from recorded deeds, survey plats, orthophotography and other public records. Mahoning County does not warrant the accuracy, reliability or timeliness of information contained on this system and assumes no legal responsibility; persons relying on the information contained hereon do so at their own risk. Users should consult public information sources for verification of the information herein and should notify the Mahoning County GIS Department of any discrepancies.

