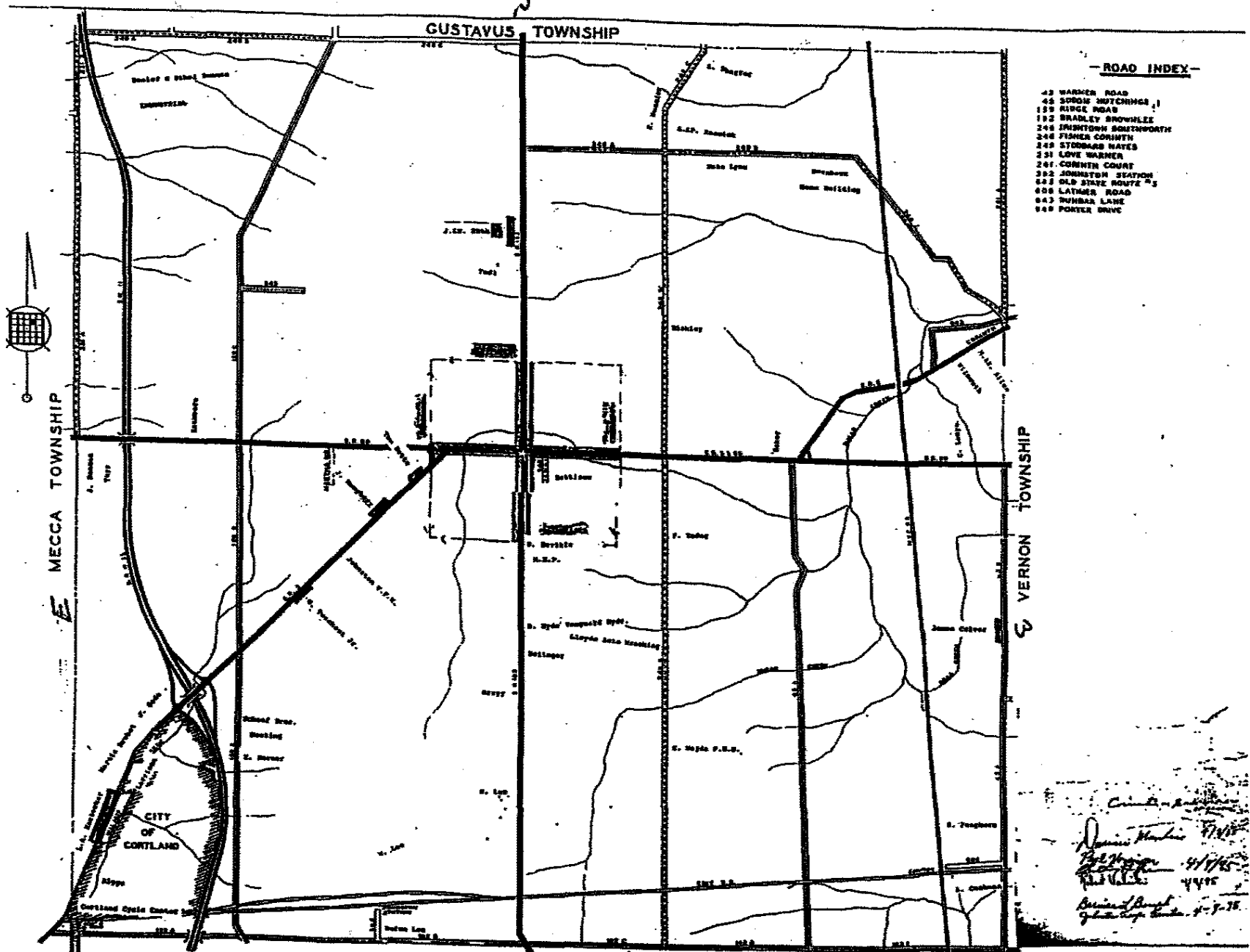


**JOHNSTON TOWNSHIP  
ZONING REGULATIONS**

**Adoped November 20, 1982  
Amended Through 2014**



**- ROAD INDEX -**

- 43 WARNER ROAD
- 45 SPOON NOTCHING
- 125 RICE ROAD
- 182 BRADLEY BROWNLICK
- 245 IRVINGTON SOUTHWORTH
- 246 FISHER CORNITH
- 140 STODARD WAVES
- 351 LOVE WARNER
- 201 CORNITH COURT
- 382 JOHNSTON STATION
- 625 OLD STATE ROUTE "2"
- 608 LATIMER ROAD
- 643 PUMPER LAKE
- 649 PORTER DRIVE

LEGEND	
STATE COUNTY IMPROVED	
COUNTY UNIMPROVED	
TOWNSHIP IMPROVED	
TOWNSHIP UNIMPROVED	
UNACCEPTED	
NOT OPEN	
RAILROAD GRADE CROSSING	
RAILROAD OVER HIGHWAY	
RAILROAD UNDER HIGHWAY	
HIGHWAY GRADE SEPARATION	

# JOHNSTON TWP.

J.M. FORTMEYER, County Engineer  
 1910-1911  
 Board of County Commissioners  
 JAMES J. STUBBS  
 JOHN J. STUBBS



*Handwritten notes and signatures:*  
 Daniel H. ...  
 4/1/75  
 4475  
 4-8-78

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<u>SECTION NUMBER</u>	<u>SECTION TITLE</u>	<u>PAGE NUMBER</u>
	Index	I-II
	Preamble	III
1 .....	Non-Conforming Uses .....	1
2 .....	Prohibited Uses .....	1
	1. Nuclear Power Plants	1
	2. High Voltage Lines	1
	3. Landfills/Dumping or Burning	1
	4. Amusement Park	1
	5. Commercial Aviation Field	1
	6. Petroleum Stations & Plants	1
	7. Distillation of Meat By-Products	1
	8. Fireworks or Explosives	2
	9. Junk Yards & Unsightly Materials	2
	10. Basement Homes	2
	11. Zoos	2
	12. Strip Mining	2
	13. Race Track or Drag Strip	2
	14. Egg Factories	2
	15. Prisons	2
	16. Drug Re-Hab Centers	2
	17. Psychiatric Institutions	2
	18. Tire Storage	3
	19. Dog Control	See Page 37-43
3 .....	Districts .....	3
4 .....	Agriculture .....	3
5 .....	Classification of Uses .....	3
	<b>(5.1) "R" District (Residential)</b>	<b>3</b>
	R-1) Single & Two Family Dwellings	3
	R-2) Temporary Housing	3
	R-3) Mobile Homes	4
	R-4) Public Buildings & Grounds	4
	R-5) Nursing Homes	4
	R-6) Earthen Homes	4
	R-7) Home/Office	4
	R-8) Roadside Stands	4
	R-9) "P.U.D." - Planned Unit Development	4
	<b>(5.2) "B" Districts (Business &amp; Commercial)</b>	<b>4</b>
	B-1) "R" Uses In "B" District	4
	B-2) Lodging and Food	5
	B-3) Retail and Service	5
	B-4) Dairy Store	5
	B-5) Lodge Hall	5
	B-6) Gasoline Service Station	5
	B-7) Recreational Buildings, Parks, Model Homes	5
	B-8) Plumbing, Electrical and/or Heating	5
	Supply Stores & Ice Houses	5
	B-9) Lumber & Building Supply	5
	B-10) Banks	5
	B-11) Golf Course	5
	B-12) Slaughter House	5
	B-13) Any Related Type of Business	5

II

<u>SECTION NUMBER</u>	<u>SECTION TITLE</u>	<u>PAGE NUMBER</u>
	<b>(5-3) "I" Districts (Industrial &amp; Manufacturing)</b>	5
	I-1) "R" & "B" Uses in "I." Districts	5
	I-2) Emissions	5
	I-3) Disposal Wells	6
	I-4) Disposal Road Bond Disposal	6
	I-5) Permits	6
	I-6) Disposal Time Limits	6
	I-7) Penalties	6
	I-8) Nuclear & Nuclear Waste	6
	<b>(5-4) "M.H.P." Districts (Mobile Home Park)</b>	6-8
6 .....	Outside Advertising .....	8-9
7 .....	Public Utilities & Railroads .....	9
8 .....	Gas, Oil & Mineral Exploration & Extractions .....	10-15
	Gas and Oil Regulations .....	33-36
9 .....	Minimum Lot Area Per Family .....	15
10 .....	Minimum Floor Space - Maximum Building Height..	15
11 .....	Composition of Buildings .....	16
12 .....	Setback Building Lines .....	16
13 .....	Side Yards .....	16-17
14 .....	Corner Lots .....	17
15 .....	Rear Houses .....	17
16 .....	Parking Facilities .....	17-18
17 .....	Private Swimming Pools .....	18
18 .....	Community or Club Swimming Pools .....	18
19 .....	Board of Zoning Appeals & Zoning Commission .....	19
	19-1) Requirements & Terms	19
	19-2) Powers	19
	19-3) Powers	19
	19-4) Rules, Organization and Meetings	19-20
20 .....	Zoning Certificate .....	20
	20-1) Zoning Inspector	20
	20-2) Application for Certificate	20
	20-3) Temporary Permits	20
	20-4) Fees	20-21
21 .....	Amendments (Procedure) .....	21-22
22 .....	Enforcement .....	22
23 .....	Interpretation .....	22
24 .....	Validity .....	23
25 .....	Definitions .....	23-25
26 .....	Amendments (not previously entered) .....	25
27 .....	Conditional Use in Business & Commercial Areas .....	26-27
28 .....	Conditional Use in Residential Area .....	28
29 .....	Wireless Telecommunication Towers & Facilities .....	29-31
	Recorded Amendments .....	32

III

**PREAMBLE**

A resolution providing for the zoning of **Johnston Township** by regulating the size and use of buildings and structures, for area and dimensions of lots and yards, and the use of lands and for such purposes dividing township into zones and districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, providing a method of administration and enforcement of this resolution.

**WHEREAS**, the Board of Trustees of **Johnston Township** deems it in the interest of the public health, safety, sanity, morals, comfort and general welfare of said township and its residents to establish a general planned zoning for the area of said township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of **Johnston Township**: for the purpose of promoting **health, safety, sanity, morals, comfort and general welfare**; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in accordance with a comprehensive plan, the Board of Trustees of this Township find it necessary and advisable to regulate the location and size of buildings and other structures, percentages of lot areas which may be occupied, set-back building lines, size of yards, courts and other open spaces, the use of buildings and other structures, and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the area of the township into districts or zones.

**SECTION 1: NON -CONFORMING USES**

- 1.) Non-conforming use existing at the time this resolution takes effect may be continued except that if it is voluntarily discontinued for one year, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
- 2.) Any building arranged, intended or designed for a non-conforming use, the construction of which had been started at the time of the passage of this resolution, but not complete, may be completed and put to such non-conforming use, provided it is done within one (1) year after this resolution takes effect.
- 3.) Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
- 4.) A building or structure developed to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use more than twenty-five (25) percent in area.
- 5.) When a non-conforming use has been changed to a more restricted use or a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.
- 6.) Any non-conforming lots at the time this resolution takes effect may be built on.

**SECTION 2: PROHIBITED USES**

The following uses shall be deemed to constitute a nuisance and **SHALL NOT** be permitted in any "R", "B", "MHP", "I" District or Agriculture Area.

- 1.) Nuclear Power Plants.
- 2.) High voltage extension transmission lines.
- 3.) Landfills/Dumping, storing, reducing incineration or disposing of any chemical or medical wastes or by-products.
- 4.) Amusement Park
- 5.) Commercial Aviation Field
- 6.) Bulk petroleum station with tanks above ground: Distilling or cracking plants or plants used in the refining of gasoline and oil products. Agriculture exempt.
- 7.) Distilling of bones, fat, glue, or gelatin manufacturing.

- 8.) Manufacturing and/or selling of explosives and/or fireworks. Not including loading ammunition for personal use. Sale of ammunition is permitted.
- 9.) Junk Yards, automobile grave yards or places for the collection for sale of scrap metal, paper, rags, glass salvage or junk for salvage or storage purposes, except where this an integral part of a manufacturing process. No abandoned, wrecked, unused, inoperable, dismantled or unlicensed vehicle is allowed to be stored in an exposed manner on any property, farm equipment aircraft, boats, refrigerators, washers, dryers, commodes, whiteware or any other unsightly materials shall be permitted to remain exposed on the premises. Failure to comply after thirty (30) days' notice of removal shall constitute a misdemeanor (519-23) and penalty (519-99) Revised Code, Refer. Section 23 of this Resolution. (Revised 03-15-04)
- 10.) Basements covered only with the roof used for human habitation. However, a temporary permit not to exceed two (2) years can be issued by the Zoning Inspector for the use of the same. Pending construction of the completed dwelling, provided a written application is made by the owner accompanied by written plans for the complete dwelling. Such temporary uses may be extended for a one (1) year period, not to exceed two (2) years total extension.
- 11.) Commercial zoos or zoological parks
- 12.) Strip Mining for minerals, coal, sand, gravel, clay, limestone or sandstone deposits except upon adherence to the following provision.
  - a.) Minimum acreage to be two hundred (200) acres
  - b.) No excavation of minerals, coal, sand, gravel, clay limestone or sandstone deposits shall occur any closer to the boundary line of a public road or highway than the depth in feet of the final cut or excavation adjoining such boundary lines.
  - c.) Where a cut or excavation adjoins a public road or highway and the operator has terminated his operation in the immediate area, the operator shall be required to return the land to a condition suitable for grazing or forestry.
- 13.) Any commercial race track or drag strip.
- 14.) Commercial egg factories.
- 15.) Prisons
- 16.) Drug rehabilitation centers or homes.
- 17.) Psychiatric institutions

- 18.) Storing of tires except where this use is an integral part of the manufacturing process.

Injection wells and/or vacuum wells or any other method of disposal of salt brine, chemical or nuclear waste of by-products shall be deemed a nuisance but regulated under SECTION Five (5) "I" (Industrial and Manufacturing.)

### **SECTION 3: DISTRICTS**

For the purpose of carrying out the provisions of this resolution, the areas of the Township are hereby divided into the following districts:

- 1.) Residential, which shall be designated as "R" District
- 2.) Business and commercial, which shall be designated as "B" District
- 3.) Industrial and Manufacturing, which shall be designated as "I" District
- 4.) Mobile Home Park, which shall be designated a "MHP" District

No building or premises shall be unused and no building shall be erected except in conformity with the regulations prescribed herein for the district in which is located.

### **SECTION 4: AGRICULTURE**

Land in any district may be used for agriculture purposes. No zoning certificate shall be required for the construction of; "Buildings or structures that are incident to the use for agricultural purposes of the land on which such buildings or structures are located, provided such buildings or structures are used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller." 3781.06 Ohio Revised Code

For the purpose of this resolution "AGRICULTURE" shall include agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry. A zoning certificate shall however, be required for the construction of buildings on agriculture parcels, if the use thereof is not incidental to agriculture.

### **SECTION 5: CLASSIFICATION OF USES**

For the purpose of this resolution, the various uses of buildings and premises shall be classified as follows: (5.1) "R" District (Residential)

The following uses, and no other shall be deemed Class "R" uses and permitted in all "R" Districts:

R-1) Single and two family dwellings, and building accessory thereof, with the minimum of nine hundred thirty six (936) sq. ft. of living space for a one story house, or six hundred (600) sq. ft. per story for a two (2) story house. The minimum of one hundred fifty (150) feet frontage for a single family dwelling, two hundred (200) feet frontage for a duplex dwelling.

R-2.) There will be permitted one mobile home per lot for temporary housing with no minimum size required. The use of a mobile home will be allowed while construction or reconstruction of a home. The permit will have to be renewed annually.



- R-3.) House trailers or mobile homes must set so that any subsequent construction, if permanent residence will conform to Section 9 in the zoning ordinance. One (1) trailer permissible per lot. Lot must conform to minimum lot size as specified in zoning ordinance. The house trailer or mobile home is only required to have a minimum of nine hundred & thirty six (936) square feet of living space. The house trailer or mobile home must be set on a permanent type frost-free foundation in accordance with the Trumbull County building code. (Footnote) See under Definitions "Permanent Type Frost-Free Foundations"
- R-4.) Church, school, college, university, public library, public museum, community center, fire station, police station, township hall, publicly-owned park, publicly-owned playgrounds, medical or professional building for physicians, dentists, optometrists or allied professions, and all generally related buildings.
- R-5.) Rest homes and nursing homes for the care of infirm or aged, provided the same shall meet the standards required in Chapter 3721 of the Ohio revised Code.
- R-6.) Earthen homes are permitted.
- R-7.) Any person may maintain an office or may carry on a customary home occupation in the dwelling home used by him as his private residence, providing such use does not involve any extension or modification of said dwelling which will alter its appearance as a dwelling, and providing such use does not involve any outward evidence of such use except not more than one sign as authorized in Section 6 of this resolution, and further providing that not more than twenty-five (25) per cent of said dwelling house be used for said business. May not employ more than two (2) other than family members.
- R-8.) Seasonal roadside stands are permitted.
- R-9.) Planned Unit Development "PUD"

A conditional Zoning Certificate shall be required for a planned unit development of an area of land fifty (50) acres or more in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes, density and setbacks, than those restrictions that would normally apply under this Resolution. Such conditional zoning certificate for a Planned Unit Development shall be required in all of **Johnston Township** regardless of the present classification of the property as an "R" District.

**(5.2) "B" District (Business and Commercial)**

One-half mile north, one-half mile south on State Route 193 and one-half mile east and one half mile west on State Routes 88 and 5 shall be zoned a business and commercial district. The following uses, and no other shall be deemed Class "B" Districts. Four hundred (400) feet depth from the center line on both sides of the road.

- B-1.) Any use permitted in an "R" District shall be permitted in a "B" District.

- B-2.) Apartment houses (larger than duplex), rooming houses, hotel, motel, living quarters over business establishment, restaurants, lunchroom and repair garages.
- B-3.) Retail store or shop, repair shop, beauty parlor, barber shop, funeral home, mercantile establishment, studio office or office building.
- B-4.) Dairy Store
- B-5.) Lodge Hall
- B-6.) Gasoline Service Stations - - all building, pumps, pipelines and gasoline storage tanks shall be erected and installed according to State of Ohio Regulations and Shall pass State Inspection.
- B-7.) Indoor theatre, bowling alley, dance hall, roller skating rink, recreational parks which do not have power driven rides accommodating more than four persons as a part of the recreational facilities, outdoor theaters, residential type buildings used for permanent display purposes.
- B-8.) Ice storage and sales, plumbing, electrical and/or heating supply.
- B-9.) Retail and wholesale lumber and building supply companies.
- B-10.) Bank
- B-11.) Golf Course
- B-12.) Slaughter House
- B-13.) Any related type of business.

The above uses shall be permitted only providing such is not noxious, dangerous or offensive by reason of emission of order, dust, smoke, gas fumes, noise, flame or vibration, and adequate facilities are provided for the temporary storage of refuse, waste, junk, wrecked cars, objects to be repaired and disposed of, and the same screened from view.

**(5.3) "I" District (Industrial and Manufacturing)**

The following uses and no other shall be deemed Class "I" District.

- I-1.) Any use permitted in an "R" District or a "B" District shall be permitted in an "I" District.
- I-2.) Any normal industrial or manufacturing use, provided such use is not noxious, dangerous, or offensive by reason of emission or odor, dust, smoke, gas, noise, flame or vibration except uses specifically prohibited in this resolution.

- I-3.) The disposal of any salt brine, chemical, or toxic waste through injection wells and/or vacuum wells or any other methods of disposal which is allowable or ordered into this Township by State or Federal Law or Resolution. Any brine or disposal well located in this Township shall be further located only in the "I." District (Industrial and Manufacturing) and not in any other District.
- I-4.) Any person using a brine or disposal well or any method of disposal of any salt brine, chemical, or toxic waste within the Township of Johnston and in compliance with all available Federal and State regulations shall furthermore be required to post a Fifty Thousand Dollars (\$50,000.00) Road Bond with the Township Board of Trustees before any Township Road could be used or would be used in injection disposal.
- I-5.) Any person, company or corporation who intends to dispose of any salt brine, chemical, or toxic waste within the Township, shall first bring proof to the Township Trustees that they are in compliance with all applicable Federal, State and Local regulations concerning said disposal.
- I-6.) Any disposal of salt brine, chemical, or toxic waste through any method within the Township shall be regulated and limited to times between the hours of 9:00 A.M. and 4:30 P.M. No waste shall be disposed of by any manner at other times.
- I-7.) Any person, company or corporation who violates the provisions of Paragraphs Three (3) through (6) of this Section shall be subject to a fine of One Hundred Dollars (\$100.00) for each violation along with other available penalties.
- I-8.) The above Paragraphs Three (3) through Seven (7) shall be applicable to any person or company dealing in any nuclear or nuclear related waste in the event Federal regulations would not apply.

**(5.4) "MHP" District (Mobile Home Park)**

In the "MHP" District only the following building structures and uses shall be permitted:

- MHP-1.) All uses permitted in an "R" District subject to the same yard area, and minimum floor provisions as in "R" District, subject to the modifications contained in this subsection.
- MHP-2.) Mobile Home Parks and accessory uses subject to the following regulations which are established to protect and promote a suitable environment for family life, to meet the needs and demands for the development of mobile home residential areas and to protect and conserve property values and to protect the future development of land in accordance with good planning.

a.) A minimum site of fifteen (15) acres with approved and installed sanitary sewer with a frontage of no less than one hundred fifty (150) foot street frontage per entrance.

b.) A minimum planted buffer strip twenty (20) feet wide which shall be maintained by the owner of the park. The minimum planted buffer strip shall be provided along the perimeter of the mobile home park and shall not be occupied by any structure or use, nor shall it be included as a part of an individual mobile home lot but may be included in the fifty (50) foot setback requirement.

c.) A lot shall be provided for each trailer with the boundaries indicated. Each lot shall be not less than five thousand (5000) square feet in area. No mobile home or other permitted structure shall be placed closer than fifty (50) feet to a front or side street property line. Two (2) parking spaces shall be provided for each mobile home lot with an area of not less than one hundred eighty (180) square feet per parking space exclusive of excess there to. Parking spaces on the access way shall not be considered as a part of this requirement.

1- The mobile home located upon the lot shall be so located as to provide for a fifteen (15) foot side yard clearance.

2- The minimum floor space of mobile homes designed and used for living quarters shall have a floor area of not less than nine hundred & thirty six (936) square feet. Each said mobile home shall be located upon a separate concrete pad of not less than nine hundred & thirty six (936) square feet, no part of which shall be included in the requirements of HE 27-09 (g) of the Ohio Department of Health Regulations.

d.) Four frame tie downs are to be installed on original pad. Tie down bars to be buried a depth of at least fifty (50) percent or more of the thickness of the pad, for securing the stability of the mobile home.

e.) Accessory uses within a Mobile Home Park Development. The following accessory uses and buildings shall be permitted:

1- A permanent dwelling for one family and office maintenance facilities for operation of the Mobile Home Park.

2- Mobile homes offered for sale by the operator of the Mobile Home Park, provided no more than three (3) mobile homes are displayed, said mobile homes to be displayed in accordance with front and side street requirements of the development.

3- One outdoor advertising sign with only the name of the mobile home park advertised thereon.

4- Garages, carports, and accessory buildings provided, they are placed no closer than fifty (50) feet to a front or side street property line.

f.) Recreation Area--An area containing not less than ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. Said areas may not be included in the mobile home lot nor located within, the front or side yard areas of the mobile home park.

g.) Prior to the submission of a zoning application for "MHP" classification the owner or developer shall submit plans of the Mobile Home Park to the office of the Township Zoning Inspector.

1- It shall be further required that a zoning permit be secured for each mobile home located in the Mobile Home Park prior to its installation. The zoning fee for mobile homes herein is seventy five (\$75.00) dollars, to be secured by the owner of the Mobile Home Park. Permits for all other structures and uses within the Mobile Home Park shall be obtained pursuant to the law and this Resolution.

h.) Each mobile home lot shall be provided with water, electrical, sewer and refuse collection facilities approved by the Ohio Department of Health, Trumbull County Board of Health, Trumbull County Building Inspector and any other governmental agency with power of regulating and controlling said facilities.

i.) The Ohio State Department of Health shall have approved the plans and specifications for water supply and sanitary sewerage facilities prior to the submission of plans. The plans and construction and use shall conform to regulations for mobile home parks, whether specified by Ohio Statutes, Ohio Department of Health, Trumbull County Health Rules or other local rules.

j.) All changes in any governmental law or regulation which are more restrictive shall automatically apply to and be incorporated herein.

#### **SECTION 6: OUTDOOR ADVERTISING**

For the purpose of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all "B" and "I" Districts and on all lands used for agricultural purposes, subject to the regulations contained in this resolution.

- 1.) Signs not larger than ten (10) square feet in area, shall be permitted in any district provided they are not located within the road right-of-way. Sign areas, as set forth in this paragraph, shall be measured at the extremities of the sign.

- 2.) An outdoor advertising or billboard, other than those mentioned in Paragraph 1 of this section shall be deemed a structure and shall require a zoning certificate before being erected.
- 3.) Signs not larger than five (5) square feet in area shall be permitted in an "R" District provided they are not located within the road right-of-way.
- 4.) No outdoor advertising sign, except those mentioned in Paragraph 1 of this section, shall be located within one hundred (100) feet of any intersection unless affixed to a building.
- 5.) Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway, or to annoy neighbors.
- 6.) All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct view or cause a traffic hazard.
- 7.) Any signs illuminated with electric lights (including neon or other gaseous type tubes incandescent lamps) erected within one hundred (100) feet of intersection where an illuminated device has been provided for the control of traffic may not duplicate in the electric light or such sign any colors appearing in the traffic control signal.
- 8.) Temporary signs regardless of size (not to exceed 32 square feet) supporting a political candidacy or a political issue or directional signs for an assembly or social event or sale and other special signs, may be posted in the township.

#### **SECTION 7: PUBLIC UTILITIES AND RAILROADS**

- 1.) Any new high voltage extension transmissions or new railroad lines must have the approval of the public as of the location.
- 2.) No nuclear power plants can be built in the township without the public approval of location.

**SECTION 8: GAS, OIL AND MINERAL EXPLORATION AND/OR EXTRACTION.**

Such uses shall be permitted subject to the following conditions:

- 1.) Exploration and/or extraction of gas or oil or minerals and the operation of wells shall be allowed in all districts as permitted by the division of oil and gas of the Ohio Department of Natural Resources. No well shall be drilled nearer than five hundred (500) feet to any inhabited private dwelling house; nearer than five hundred (500) feet from any public building which maybe used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. This does not apply to a building or structure which is incident to agricultural use of the land on which is incident to agricultural use of the land on which it is located, unless such building is used as a private dwelling house or in the business of retail trade
- 2.) Storage tanks and other associated equipment located within five hundred (500) feet of an existing residence shall be effectively screened from such residence. Such screening shall consist of dense, evergreen shrubs placed so as to create a substantially opaque visual barrier between the well and the affected residence. A combination of evergreen shrubs and landforms such as earthen berm may also be used as visual screen.
- 3.) Any driller or operator with a State of Ohio drilling permit to drill for and extract oil/gas from lands in the Township shall prior to drilling notify the Township Zoning Inspector in writing of all pertinent data such as the number and locations of all proposed wells, tank sites and access roads and show proof of Ohio State Permit for such operation.
- 4.) Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by a six foot high chain link fence with three strands of barbed wire above. Fences shall be kept in good repair until the well is abandoned and the tanks have been taken out of service. All gates shall be padlocked. Shipping valves extending beyond the fence shall be padlocked with all locks at a given well utilizing a master key.
- 5.) No more than two, two-hundred ten (210) barrel oil tanks shall be permitted at an oil and/or gas well site at any time. All oil storage of oil shall be considered an integral part of an oil well and shall, therefore, be subject to the minimum site regulations specified for oil wells in **Chapter 1501.9 of the Ohio Administrative Code.**
- 6.) Permit required. See Fees Section 20.

a.) No person, firm or corporation shall, within the limits of **Johnston Township** drill a new gas or oil well, drill an existing oil or gas well any deeper, reopen a gas or oil well, convert an oil or gas well to any other than its original purpose or plug back an oil or gas well to a source of supply different from the existing pool, without first having obtained a permit from the **Johnston Township**.

b.) A separate permit is required for each gas and oil well.

c.) A non-refundable fee of \$2,000.00 payable to **Johnston Township** to cover the costs of application review and site inspections must be submitted with the application.

d.) A cash deposit, irrevocable letter of credit or bond for \$10,000.00 shall be deposited for **Johnston Township** to ensure landscaping restoration and site maintenance complies with this regulation.

e.) Funds obtained to comply with this section may be released after the completion of drilling operations and restoration upon certification by the Zoning Inspector and Road Superintendent that no damage has occurred to **Johnston Township** roads and all conditions of this regulation has been met.

f.) Applicant must show proof of a road bond that shall be required when the use of Township roads are involved in gaining access to the operations to guarantee that the roads will be returned to the original condition following the operation.

7.) **ACCESS ROADS** - Permanent, unobstructed access roads meeting the following requirements shall be provided between oil and/or gas wells and public roads:

a.) **PAVEMENT** - Any portion of an oil and/or gas well access road within two hundred (200) feet of an existing residence and that portion of an access road within one hundred (100) feet of the public road from which access is derived shall be paved with grave or slag and maintained in a dust-free condition. All other portions of access roads shall be improved and maintained so as to be usable at all times of the year.

b.) **WIDTH** - That portion of an oil and /or gas well access road within fifty (50) feet of the public road from which it derives access shall be a minimum of twenty-four (24) feet in width. All remaining portions of access roads shall be twelve (12) feet in width.



c.) LOCATION - No oil and/or gas well access road shall be located closer than fifteen (15) feet from the side or rear lot line of the lot upon which the well is located. No oil and/or gas well access road or associated operations shall intersect a public road closer than thirty (30) feet from which such road is intersected by another road.

d) TURNAROUND - A turn around area of a size adequate to accommodate the largest contemplated fire department tank truck shall be provided at the well end of an oil and/or gas well access road.

e.) CULVERTS AND DITCHING - Where access roads connect with township roads, culvert and ditching shall be done under supervision of the Township Road Superintendent, who shall be notified before operations are started. The road supervisors final inspection shall be made after completion of all such work.

f.) DEMUDDING LOT - All access roads shall provide a suitable slag or gravel area large enough to accommodate demudding or any well drilling equipment used in the process prior to traveling any township road from well site.

8.) PERFORMANCE STANDARDS - The following performance standards shall apply to all oil and/or gas wells. Non-compliance with one or more of these standards shall be considered a violation of these regulations.

a.) STATE PERMIT REQUIRED - Subsequent to the issuance of a township gas or oil well permit from the Ohio Department of Natural Resources, Division of Gas and Oil and all other pertinent state agency permits.

b.) SITE PLAN AND VICINITY MAP REQUIREMENTS - Each application for a permit to drill a gas/oil well shall be accompanied by all necessary information required for a state permit, but not less than the following:

1.)The owner's name and addresses and current lot lines of all properties within the proposed drilling unit.

2.)The current locations, dimensions, and use of all buildings and structures located within two hundred (200) feet of the drilling head.

3.)The proposed locations of the well and all associated appliances and facilities such as well head, piping, separators, scrubbers, tank batteries, access roads, dikes, fence and the likes.

4.)The proposed landscaping, screening, and restoration plans.

5.)The proposed location of pipe lines to be utilized to transmit the gas and/or oil to off site locations and facilities to be established at the receiving facility location(s).

6.)For emergency purposes, a schematic diagram of all flow lines, connections and gate valves outside the compound; the diagram shall be modified and resubmitted to the Township at any time that a change in equipment or facilities occurs.

7.)Specific plans for the removal, disposal methods and disposal site of all spoils, salt water, and other residues and waste materials from the drilling fracturing, or production of the well.

c.) EMERGENCY INFORMATION - To insure that some responsible person maybe reached at any time in the event of an emergency, the name, address, telephone numbers of all persons responsible for the ownership, operation and maintenance of each well drilled located within the township's limits shall be posted on the fence utilizing a steel or aluminum sign and kept on record with township fire department prior to commencement of drilling operations.

1.)All pertinent emergency shut-off valves shall be painted red and shall indicate directions for turning on and off.

d.) SITE MAINTENANCE - For the duration of the drilling and production operation, the site shall be maintained in a neat, clean and orderly condition. Access drives shall be maintained in a dust free condition. The permit holder shall be responsible for clearing public road of all mud, debris, or other accumulations resulting from the operations, as many times each day as necessary to keep the road clean and safe at all times. The Township Trustees shall have the authority to request a permit holder to take specific steps to comply with these standards. Failure of a permit holder to comply to the satisfaction of the Township, or failure to take specific steps to comply at the given location, as requested by the Township, shall be grounds for suspension of a permit and recovery of costs from posted bonds.

e.) USE OF A PUBLIC ROAD - A minimum of ten days to the start of well drilling operations a map indicating any and all routes to be used in conjunction with the drilling operations shall be submitted to the Township Road Supervisor. The Road Supervisor shall then visually inspect said roads in the company of an agent of the permittee to determine their condition prior to any activity on the part of the applicant. The Road Supervisor shall have the right to deny the right of transportation of well drilling equipment on twelve hours notice at any time that the condition of the roads, the weather or the traffic conditions make travel unsafe.

n.) POLLUTION PREVENTION - Permanent or temporary waste hold, storage lagoons, service ponds or similar storage facilities shall be designed, constructed, and maintained so as to prevent any drainage into ditches, natural water courses, sewers, ponds, ground water, etc. There shall be a protective lining or imperishable material installed in storage lagoons to prevent the percolation of harmful chemicals or residues into the soil. All E.P.A. rules shall be followed relative to the disposal of wastewater.

o.) ABANDONING WELLS - When a well is to be abandoned, it shall be the duty of the permit holder to notify the Township Zoning Inspector of such abandonment when the well has been abandoned and the equipment removed. All permit holders shall be required to pull and or plug a well site on abandonment and remove all above ground appurtenances and return the site to original grade conditions and follow any other rules and regulations promulgated by any department or division of the State relative to pulling, plugging and abandoning oil or gas wells.

**SECTION 9: MINIMUM LOT AREA PER FAMILY**

Residence "R"

The following chart shall be adhered to for minimum lot sizes.

<u>TYPE OF DEVELOPMENT</u>	<u>NEITHER SEWER NOR WATER AVAILABLE</u>
Single-family (Single Dwelling)	150 foot or more frontage and enough square feet to comply with the county septic system requirements. Frontage must be measured along a dedicated road.
Two- family (Single Dwelling)	200 foot frontage and enough square feet to comply with the county septic system requirements. Frontage must be measured along a dedicated road.
Planned Unit Development	Refer to "PUD" area
Commercial Apartments	
Mobile Home Parks	Minimum of 15 acres

**SECTION 10: MINIMUM FLOOR SPACE - MAXIMUM BUILDING HEIGHT**

(a) Top floor height shall not exceed 30 feet from grade level to top floor

No dwelling shall have first floor space designed and used for living quarters of less than nine hundred & thirty six (936) square feet in a single-floor house or six hundred (600) square feet per floor in a two-story Dwelling, exclusive of basements, porches, garages and breezeways.

**SECTION 11: COMPOSITION OF BUILDINGS**

All structures in "R", "B", "PUD" "I" or "MHP" constructed in accordance with the Ohio State Building Code and/or Trumbull County Building Code requirements for the structure and evidence of State or County approval of plans must be submitted with the request for a Zoning Permit Certificate.

1.) A building or structures moved upon a parcel of land in Johnston Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in this Resolution before said building or structure is occupied or used.

2.) No Zoning Certificate for structures which require a Sanitary Permit from the Trumbull County Health Department may be issued until proof is presented to the Johnston Township Zoning Inspector that the applicant has obtained from the Trumbull County Health Department a Sanitary Permit or letter of application.

3.) Structures which are factory built, meeting the requirements of allowed structures in the "R" District, are permitted structures under this Resolution provided they meet the following additional specifications and definitions for industrialized units: The assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient, or substantially self-sufficient, and when installed, constitutes the structure or part of a structure, except for preparations for its placement, and such industrialized units comply with the procedures for acceptability under sections of the Trumbull County Building Code, and Ohio Building Code. ( Further, the industrialized unit must be located on an individual lot upon a permanent frost-free foundation in compliance with this Resolution.)

**SECTION 12: SETBACK BUILDING LINES**

No part of the ground area of any building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width shall be erected within fifty (50) feet of the right-of way side line of any road or street except in areas served by an approved sewage disposal plant where this distance may be fifty (50) feet. If there is no established right-of-way side line for a road or street, said right-of-way side line shall be deemed to be thirty (30) feet from the center of the road. Provided, however,, that in areas where there is now existing a building line of a different dimension, the property owner will be required only to conform to said existing building line. It is further provided that in an area where there now exists a varied or staggered building line the property owner may establish, subject to the approval of the Zoning Inspector, a building line which would retain the continuity or symmetry of the existing building lines. Further, setback lines must conform with local, county and state highway specifications.

**SECTION 13: SIDE YARDS**

For every building except accessory buildings, erected in a Residential District, there shall be a minimum side yard clearance on each side of said building of not less than eight (8) feet. This space shall remain open and unoccupied by any building or structure. Attached garages or accessory building connected with the main building by a breezeway or other permanently constructed connection shall be constructed to be a part of the main building for the purpose of this section. This paragraph shall not be deemed to apply to any property upon which there is an existing dwelling or upon which construction has begun at the time of the approval of this resolution, and any such property shall be specifically exempt from the side lot provisions contained herein.

Provided, however, that an accessory building or garage located twenty (20) or more feet to the rear of the main building may be erected no less than five (5) feet from side lot line, except on corner lots, provided it will be not less than twenty (20) feet distant from any existing residence on adjacent property. An accessory building is a subordinate building customarily incident to and located on the same lot with the main buildings.

In the event a lot was designated on a recorded plot or separately owned at the time of the resolution took effect and the area and lot width required above is deficient and cannot be practicably enlarged, then the requirement for the side lot dimensions required shall be reduced in the direction that the actual lot width bears to the number of feet required in SECTION 9 hereof.

No side yard clearance shall be required for commercial or industrial buildings in "B" or "I" Districts; provided, however, that if commercial buildings in "B" or "I" abutt residential districts or residential dwellings, side yard clearance as set forth above shall be applicable to such buildings.

#### **SECTION 14: CORNER LOTS**

The setback building line on a corner lot shall be in accordance with the provisions of SECTION 12 of this resolution. The side yard clearance on the side street shall be at least fifty (50) percent of the setback line applicable to said road or street. Out buildings shall not be so located on corner lots as to cause a nuisance for adjoining property owners.

#### **SECTION 15: REAR HOUSES**

Only one rear dwelling or duplex apartment shall be permitted per 5.5 acre parcel of land. If located in the rear of another building, a permanent easement for access shall be provided over an unoccupied strip of land at least sixty (60) feet in width and such reserved strip may not form a part of any lot width or lot yard or a lot area required by this resolution. Said easements shall be executed with the requirements for lot and yard areas as though said dwelling was located on a public street. Said easement shall be executed with the requirements provided by law for deeds and shall be filed with the recorder of this county of records.

#### **SECTION 16: PARKING FACILITIES**

- 1.) All dwellings and apartment houses shall provide parking spaces with means of ingress and egress thereto for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of parking area shall be deemed necessary for each such vehicle, exclusive of sufficient area for proper ingress and egress.
- 2.) All District "B" uses shall provide parking space off the road or street outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.

- 3.) Every theater, auditorium, stadium, arena, building, or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way, not less than two hundred (200) square feet of space suitable for parking automobiles and other vehicles, for every three persons to be accommodated. Such parking lot area shall be within four hundred (400) feet of the main entrance to such use, and shall provide adequate means of ingress and egress and shall be available for the use of such patrons. (Not to include schools or churches).
- 4.) All Districts "B" and "I" uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading or taking away from said premises, goods, materials, supplies, or waste in connection with said business or use.

#### **SECTION 17: PRIVATE SWIMMING POOLS**

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1.) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- 2.) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with gate and lock.

#### **SECTION 18: COMMUNITY OR CLUB SWIMMING POOLS**

Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- 1.) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2.) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

**SECTION 19: BOARD OF ZONING APPEALS & ZONING COMMISSION** (Revised 03-15-04)**(19-1) Requirements & Terms**

There is hereby created a Township Board of Zoning Appeals of five (5) members, who shall be residents of the unincorporated area of the township included in the area zoned. Members of said Board of Appeals shall serve without compensation for a term of five (5) years. No member shall serve more than one (1) consecutive full five-year term. Any member must be off the board before serving a second term. The terms of members shall be so arranged that the term of one member will expire each year. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective un-expired term.

**(19-2) The Township Board of Zoning Appeals shall have the following powers:**

1. To hear and decide appeals where it is alleged there is error in any order, requirement decision or determination made by the administrative official in the enforcement of **SECTION 519-02 to 519-25** inclusive of the Revised Code or of this resolution or any amendments adopted thereto.
2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary problems, and so that the spirit of the resolution shall be observed and substantial justice done.

**(19-3) The board of township trustees of Johnston Township proceeding under SECTION 519-01 to 519-99 of the Ohio Revised Code shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the incorporated area of the township to be appointed by the board. The board of Johnston Township Trustees may appoint two alternate members to the township zoning commission for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township 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 terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county of regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board upon written charges being filed with the board, 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 days prior to the hearing, either personally, by registered mail, or by having such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled for the un-expired term.

In exercising the above-mentioned powers, such board may in conformity with the provisions of law and this resolution and amendments thereto, reserve or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

**RULES, ORGANIZATION AND MEETINGS**

**(19-4) The Township Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such times as the board may determine. The chairman, or, in his absence, the acting chairman, may administer oaths and the Township Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of township trustees and shall be a public record.**

Appeals to be board of zoning appeals may be taken by any person aggrieved or any officer of the township affected by the decision of the administrative officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the township board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

The Township Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice in writing to the parties in interest and give notice of such public hearings by one publication in one or more local newspapers at least ten (10) days before the date of such hearing, and decide the same within thirty (30) days after being submitted. The Board of Appeals must weigh the feeling of all adjacent Johnston Township property owners before making a decision concerning any zoning change. Upon the hearing, any party may appear in person or by an attorney. Any person adversely affected by a decision of the Township Board of Zoning Appeals may appeal to the Court of Common Pleas of this county on the grounds that such decision was unreasonable or unlawful.

## **SECTION 20: ZONING CERTIFICATE**

### **1.) Zoning Inspector**

The position of Township Zoning Inspector is hereby created. The Township Zoning Inspector, and such assistants as may be determined necessary, shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for zoning certificates and the action taken thereon.

### **2.) Application for Zoning Certificate**

Before constructing any building with more than two hundred (200) square feet, or alterations for the use of said premises, application shall be made to the Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction or change of use and shall include a plot plan, plans and specifications showing the proposed location and dimensions of the building and the proposed use, all of which shall be included in the permanent record of application. Within ten (10) days after receipt of the application, the Zoning Inspector shall issue a zoning certificate if the proposed construction, or change of use on the application complies with the requirements of this resolution and the application is accompanied by the proper fee, or shall refuse the same, stating reasons, if it does not comply. If construction or alterations have already been started prior to issuance of zoning permit, the normal applicable fee will be doubled.

### **3.) Temporary Zoning Permits**

Special permits may be authorized by the Board of Appeals for a period no to exceed one (1) year, for non-conforming use incidental of housing and construction projects and including such structures and uses as storage of building supplies, machinery and model home office located on the tract being offered for sale; provided such permits are issued only upon expiration of original permit.

a.) "Commercial Construction Temporary Permit up to one (1) year incidental for construction projects and including such structure and uses as storage of building supplies, machinery and mobile office, located on or near construction site. This one time temporary permit maybe renewed by the Appeals Board without additional permit fees."

### **4.) Zoning Fees**

The following fees shall be paid prior to the issuance of a zoning certificate. Such fees are for the purpose of defraying the cost of inspection, certifications and maintenance of the necessary records, and may be altered from time to time by a majority vote of the Township Zoning Commission to meet existing conditions and costs. No fees are to be charged for any Township Building, School or Church Building.



**NEW CONSTRUCTION AND OTHER ZONING FEES**

Residential. . . . .	Ten cents (.10) per sq. ft. of living space
Business or Commercial. . . . .	Twenty cents (.20) per sq. ft. of total building
Billboards or Signs . . . . .	\$.10.00
Permanent type larger than . . . . .	Twenty (20) sq. ft. will be (.35) per sq. ft.
Industrial. . . . .	Fifty cents (.50) per sq. ft. of building (Per year for additions and new structures)
Temporary fees - Residence (Renewable annually). . . . .	\$.15.00
Standard size garages attached with a poured foundation	five cents (.05) per sq. ft.
Building non living space under 200 sq. ft. no permit required	
Building non living space 200 sq. ft. to 599 sq. ft. . . . .	\$25.00
Buildings non living space 600 or more sq. ft. . . . .	\$40.00
Additions to living space . . . . .	Ten cents (.10) per sq. ft.
Attached porches or decks with or without roof "non living space" Non-chargeable permit required.	
Commercial Construction Temporary Permit . . . . .	\$100.00
Mobile Home Park per site . . . . .	\$75.00
Gas or Oil Well Drilling. . . . .	\$250.00
PUD . . . . .	\$1000.00
Zoning Appeal Fee Only . . . . .	\$75.00
Zoning Charge Fee Only . . . . .	\$175.00
In Ground Pool . . . . .	\$30.00
(See pool requirements under SECTION 17: Private Swimming Pools)	
Late Fee Assessment . . . . .	See Under Section 20 Item 2

**SECTION 21: AMENDMENTS (Procedure)**

A request for a change of a property or district from residential classification to business or industrial classification or from business classification to industrial classification maybe made to the zoning commission provided a definite plan is presented for consideration.

The Township Zoning Commission shall meet quarterly and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the zoning resolution to the Board of Township Trustees, the Township Zoning Commission shall hold not less than one (1) public hearing thereon, notice of which shall be given by one (1) publication in one (1) or more newspapers of general circulation in the Township at least thirty (30) days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees. (Must Follow State of Ohio Revised Code Regulations)

After receiving the certification of a proposed amendment to the Zoning Resolution from the Township Zoning Commission and before adoption of any such Zoning Amendment, the Board of Township Trustees shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission for its approval, disapproval or suggestions. If such changes are disapproved by the Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the zoning resolution. If the amendment to the zoning resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the Township or part thereof included in the amendment to the zoning resolution and effected by the amendment, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the first general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

#### **SECTION 22: ENFORCEMENT**

It shall be unlawful to construct, re-construct, enlarge, change, maintain or use any building or to use any land in violation of a regulation or any provision of this resolution or amendment thereto any person, firm or corporation violation this resolution or any regulation, provision or amendment thereto shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars. Each and every day during which such illegal erection, construction, re-construction, enlargement, change, maintenance or use continues may be deemed a separate offense.

In case any building is, or is proposed to be located, erected, constructed, re-constructed, enlarged, changed, maintained or use of any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of this county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation in addition to their remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings, to prevent enjoin, abate or remove such unlawful erection, construction, re-construction, enlargement, change, maintenance or use.

#### **SECTION 23: INTERPRETATION**

An interpretation and application, the provisions of this resolution shall be held to be the minimum requirement adopted for the promotion of public health, safety, morals, comfort, and general welfare.

Nothing herein shall repeal, abrogate, annul or in any way impair or interfere with any provision of law or any rules or regulations other than Zoning Regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where the Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, consonants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, consonants, deed restrictions greater than those imposed by this resolution.

**SECTION 24: VALIDITY**

Each section, sub-section, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not effect or render invalid the resolution or amendments thereto as a whole or any part thereof except the particular part of so declared to be invalid.

**SECTION 25: DEFINITIONS**

Words used in this resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number. The word "shall" as used in the resolution is mandatory and directory. The word "structure" shall include the work "Building". The masculine gender as used in this resolution shall include the feminine and neuter genders and vice-versa.

An APARTMENT - - whenever mentioned in this resolution is a room or suite of rooms in an apartment house which room or suite of rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of a single family, individual, or group of individuals.

A SINGLE FAMILY DWELLING - - is a dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

A NON-CONFORMING USE-- for the purpose of this resolution, is one that does not comply with the regulations established for the particular use district or zone in which it is situated.

A BUILDING ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. To be two hundred (200) square feet or less.

A HIGHER USE --Whenever mentioned in this resolution is a more restricted use and lower use is a less restricted use.

A STRUCTURAL CHANGE -- whenever mentioned in this resolution means any change in the supporting members of a building, such as bearing walls or partitions, column, beams, or girders, excepting such walls or partitions, column, beams, or girders, excepting such structural change as may be required for the safety of the building.

A SETBACK LINE--whenever mentioned in this resolution is the distance between the front lot line in question and the nearest principal building line.

PORCH-- that, wherever mentioned in this resolution is a roofed opened structure projecting from the front, side or rear wall of the building.

A SIGNBOARD OR "BILLBOARD" -- for the purpose of this resolution is any structure part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes.

STREETS -- the words "street", "road", "highway, or "land", are for the purpose of this resolution considered to be synonymous and each is defined as a public way located, designed and dedicated for public use.

AN ALLEY-- for the purpose of this resolution is defined as a narrow public way, located, designed and dedicated for public use and usually abutting on the rear lot lines.

STRUCTURE OF "BUILDING"-- for the purpose of this resolution is anything erected, constructed, or re-constructed on a foundation, posts piles, blocks, skids, sill, or any other support, whether such foundation, posts, piles, blocks, skids, sills, or other support is or is not permanently located, in or attached to the soil.

MOBILE HOME OR HOUSE TRAILER -- for the purpose of this resolution is any vehicle originally built, manufactured, assembled, constructed or re-constructed to have one or more wheels, and is designed, used or intended for use as a temporary or permanent dwelling or shelter for one or more individuals.

**MOBILE HOME PARK** -- any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

**PERMANENT TYPE FROST-FREE FOUNDATION**--for the purpose of this resolution shall mean cement block walls or poured concrete walls approved by the Trumbull County Building Code extending the full exterior perimeter of the dwelling and supported by a poured concrete footer extending the full exterior perimeter of the dwelling and constructed to the specifications and depth required by the Trumbull County Building Code for permanent single family residences, additions to new construction for either full basement use or crawl space design foundations.

**LOT**--as used in this resolution shall be a parcel of land occupied by, or legally capable of being occupied by a principal building or buildings or uses customarily incident to it and to include such open yard areas as are required by this resolution and such further open areas that are herein permitted to be arranged and designed to be used in connection with such building.

**FRONT LOT LINE OR "FRONT PROPERTY LINE" OR "PROPERTY FRONTAGE"**-- for the purpose of this resolution shall be construed to be coincident with the principal road line of the lot. If there is no established right-of-way sideline for or street, said line shall be deemed to be thirty (30) feet from center of the road.

**REAR LOT LINE OR "REAR PROPERTY LINE"** -- for the purpose of this resolution, shall be the property line opposite the front lot line as defined in this resolution. If a lot is not in the form of a rectangle, but is irregular in shape, there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the side said angle shall be the front lot line and the opposite said angle shall be the rear line.

**REAR YARD OR "BACK YARD" OF "REAR AREA"**-- for the purpose of this resolution, is a space unoccupied by buildings or any structures of any type between the rear lot line and the building line nearest thereto on said lot.

**A LINE OF A BUILDING OR "BUILDING LINE"**-- wherever mentioned in this resolution is either the main foundation wall or the line of any covered porch extending outside the main foundation wall, not including steps or walks whichever is nearer the lot line in question.

**A SIDE YARD OR "SIDE AREA"**-- for the purpose of this resolution is a space unoccupied by a building between a side lot line and the building line nearest thereto on said lot.

**A CORNER LOT** -- for the purpose of this resolution, is a lot, two sides of which are bounded by margins of intersecting dedicated public highways.

**A FAMILY** -- wherever mentioned in this resolution is any number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and including domestic employees.

**AN APARTMENT HOUSE** -- wherever mentioned in this resolution is a complete permanent building arranged, designed, intended and constructed or re-constructed to be occupied by more than two families living independently of each other and doing their own cooking upon the premises, or by more than two families living independently but having a common heating system or a general dining room.

**TENT**-- that; wherever mentioned in this resolution is temporary structure of canvas or other similar material for adult occupancy and is not intended to include a child's play tent.

**REST HOME** -- wherever mentioned in this resolution is a structure operated for a profit for the care of aged or infirm persons.

**APPROVED SEWAGE DISPOSAL PLANT**-- a plant approved by state and county sanitary officers giving primary and secondary treatment to sewage and operated and maintained by assessments against the property served; said assessment being collected by the County of Trumbull.

**JUNK YARDS-JUNK BUILDINGS-JUNK SHOPS--** any land, property, structure building or combination of the same, on which junk is stored or processed for sale.

**AFFECTED AREA--** the area affected as referred to in SECTION 20 amendments, shall mean an area having a radius of one-half (1/2) mile from the proposed change, unless the reason for the proposed change is of such a magnitude as to reasonable affect the whole township, then said township shall be the affected area.

**DEDICATED ROAD--**Road having met the specifications of the Trumbull County Engineering Department and accepted by the Township Trustee's

**SEXUALLY ORIENTED ENTERTAINMENT BUSINESS--** wherever mentioned in this resolution 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 defined and is more particularly but not exclusively defined as meaning an adult arcade, book store, video store, cabaret, motel, motion picture theater or massage business.

**SECTION 26: AMENDMENTS (Not Previously Entered)**

**SECTION 27: CONDITIONAL USE IN BUSINESS & COMMERCIAL AREAS**

The following recommendations shall apply to adult/sexually oriented entertainment businesses as herein defined: Wherever mentioned in this resolution as 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 defined and is more particularly, but not exclusively defined as meaning to; adult arcade, adult book store, adult cabaret, adult motel, adult motion picture theater or massage business.

The purpose of this regulation is to promote the public health, safety and welfare through the regulation of adult entertainment businesses, and defined herein, in such a manner as to prevent the erosion of the character of surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to any existing adult entertainment businesses, residentially zoned areas, schools, churches, park and playground within the township. (village, county, city)

No building shall be erected, constructed or developed and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with these regulations.

- 1.) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
  - 2.) No adult entertainment business shall be permitted in a location which is within 1,500 feet of another adult entertainment business.
  - 3.) No adult entertainment business shall be permitted in a location which in within 1,000 feet of any church, any school, any park, any playground, or any social services facility or neighborhood center.
  - 4.) No adult entertainment business shall be permitted in a location which is within 500 feet of any residence or boundary of any residential district .
  - 5.) No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the township. (village, county, city)
- a.) Adult Arcade - Means any place to which the public is permitted or invited wherein coin-operated or slug operated, electronically or mechanical controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
  - b.) Adult Book Store or Video Store - Means a commercial establishment which utilizes any of its retail selling area for the purpose of retail sale or rental for any form of consideration, one or more of the following; Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video representations which depict or describe "specified sexually activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexually activities".
  - c.) Adult Cabaret - Means a nightclub, bar, juice bar, restaurant or similar commercial establishment which regularly or infrequently features; Persons who appear in a state of nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities" or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

d.) Adult Motel - Means a hotel, motel or similar commercial establishment which; Offers accommodations to the public for any form of considerations; Provides partitions with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has signs visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or offers a sleeping room for rent for a period of time that is less than ten (10) hours; or allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

e.) Adult Motion Picture Theater - Means a commercial establishment where any form of consideration, film, motion pictures, video cassettes, slides or similar photographic reproductions are regularly or infrequently shown which is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

f.) Adult Theater - Means a theater, concert hall, auditorium or similar commercial establishment which regularly or infrequently features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

g.) Massage - Means the manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping by hand or mechanical devices.

h.) Massage Business - Means an establishment of business wherein massage is practiced, including establishment commonly known as health clubs, physical culture studios, massage studios or massage parlor, which is characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

i.) Nudity or State of Nudity - Means the appearance of human bare buttocks, anus, male genitals or female breast.

j.) Persons - Means an individual, proprietorship, partnership, corporation or other legal entity.

k.) Semi-Nude - Means a state of dress in which clothing covers no more than the genitals, public region and aureoles of the female breast as well as portions of the body covered by supporting straps or devices.

l.) Specified Sexual Activities - Means and includes any of the following: (1) The fondling or other erotic touching of human genitals, public region, buttocks, anus or female breast. (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy. (3) Masturbation, actual or simulated; or in connection with any of the activities set forth in (1) through (3) above.

m.) Sexually Oriented Devices - Means without limitation any artificial or simulated specified anatomical area or other devices, paraphernalia that is designed principally for "specified sexual activities" but shall not mean any contraceptive devices.

n.) Specified Anatomical Areas - Means less than completely and opaquely covered human genitals, public region, buttocks and female breast below a point immediately above the top of the aureole and human male genitals in a discernibly turgid, even if completely and opaquely covered.

**SECTION 28: CONDITIONAL USE IN RESIDENTIAL AREA**



## **Section 7: Public Utilities and Railroads**

### **Wireless Telecommunication Towers and Facilities**

This resolution shall not apply to public utilities and railroads, except that the provisions of this zoning resolution shall fully apply to the location erection and maintenance of all wireless communications towers to the extent permitted in Section 519.211 of the Ohio Revised Code or any amendment thereto or successor statute permitting regulation of said wireless communications towers, antennas, dishes, facilities structures and/or devices.

**A. Introduction:** Increasing technological advances in the Telecommunications Industry has created a demand for Personal Communication Services such as cellular telephone, facsimiles, computer e-mail and other wireless data applications. The recent passage of the Telecommunications Act of 1996, designed to promote competition, spur private investment and advance affordable telecommunication services, has resulted in the need for the construction of additional service facilities, towers and antennas. These new facilities may be regulated by local zoning to protect the health, safety and welfare of the general public as well as maintain an objective of community aesthetics. While the Act preserves local zoning authority to regulate the number, placement, construction and modification of wireless/cellular telecommunications towers and facilities, it also places certain conditions for the approval or denial of a permit. These conditions provide that the zoning regulations may not unreasonably discriminate among providers of similar services; requests for facility placement must be within a reasonable period of time similar to the review process of other comparable applications; any decision to deny a request to place, construct or modify a wireless telecommunications facility shall be in writing and supported by substantial evidence contained in a written record; and, since the Federal Communications Commission is the only entity permitted to regulate radio frequency emission levels, zoning regulations therefore cannot deny a request based on concerns associated with these emissions and may health risks posed by them.

**B. Purpose:** The purpose of this Section is to establish specific procedures and standards for the location and construction of telecommunications towers and facilities to protect the health, safety and welfare of the general public and to maintain an objective of community aesthetics.

**C. Notification Procedures:** The Johnston Township Trustees and the Township Zoning Office shall be notified by certified mail at least 25 days prior to the planned erection of any telecommunications tower in the township. Such notice shall clearly indicate the location of the property on which the tower is proposed to be located, the dimensions of the tower and the set-backs off all of the property lines, the name of the company proposing to erect such tower, as well as the address, name and the phone number of the contact person with the telecommunication company. The application shall also provide the local Fire Department, County Sheriff's Department and the County Emergency Management Agency with the information on whom to contact, their address, and their telephone number in the event of any emergency.

#### **D. Permitted Uses**

1. Wireless telecommunications towers and facilities are permitted uses in all non-residential zoning districts and on property with a non-residential use that is a permitted use within a residential district, including but not limited to a church, hospital, school, municipal or government building and property with an agricultural or utility use subject to the requirements of this section.
2. Wireless telecommunications towers and facilities are not permitted uses in any residential district except as noted above, but may be permitted as a conditional use where it is not technically feasible to be located in a more appropriate non-residential zoning district, subject to the requirements of this section.
3. Collocation of antennas on existing towers, antennas attached to existing structures and buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the conditional use permitting process.
4. Wireless Telecommunications Towers and Facilities may be permitted as a sole use on a lot, combined on a property with an existing use and/or combined with an existing non-residential building or structure subject to the requirements of this section.

#### **E. General Requirements:**

1. The following requirements apply to all telecommunications towers and facilities regardless of the zoning district in which they are to be located.

- a. When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility.
- b. New or modified towers shall be certified by an engineer according to the structural standards for antennas as developed by the Electronic Industries Association and/or the Telecommunication Industry Association.
- c. An applicant shall provide proof that the proposed to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction. (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation)
- d. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicants letter(s) as well as response(s) shall be presented to the zoning commission as a means of demonstrating the need for a new tower.
- e. All providers utilizing towers shall present a report to the zoning commission notifying them of any tower facility located in the Township whose use will be discontinued and the date this use will cease, If at any time the use of the facility is discontinued for 180 days, the zoning commission may declare the facility abandoned. The facility's owner/operator will receive written notice from the zoning commission and instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the township will remove or will contract to have the facility removed and assess the owner/operator the costs.

**F. Development Standards:**

1. General: The following requirements apply to all Telecommunications Towers and Facilities;

- a. Security fencing eight feet in height shall surround the tower, equipment shelter and guy wires either completely or individually as determined by the zoning inspector.
- b. The following buffer plantings shall be located around the perimeter of the security fence and at the property line as deemed appropriate by the zoning inspector. An evergreen screen shall be planted that consists of either a hedge, planted tree feet on centers maximum, or a row of evergreen trees planted five feet on centers maximum.
- c. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- d. No tower less than 150 feet tall shall be artificially lighted except to assure safety or as required by the FAA. Any tower greater than 150 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted.
- e. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency. One warning sign the maximum size of six square feet shall be posted on the site as well with the emergency telephone number.
- f. The primary building material shall be split face block; brick or wood and shall have an equal level of finish on all sides. Exposed concrete block shall be prohibited on any part of the building.
- g. Landscape plantings and grass seeding shall be provided and maintained within the area of the security fencing. The area outside of the security fence to the property line shall be maintained in a well-kept condition.
- h. The minimum distance between any two towers and their facilities shall be 1,320 feet.

**G. Conditional Use Certificate:**

- a. The wireless telecommunications towers and facility shall be located on a separate lot and shall not be combined with any other use.
- b. The development standards shall be the same as a sole use on lot facility.
- c. The applicant shall present a landscaping plan that indicates how the wireless telecommunications tower and facility will be screened from adjoining uses.
- d. Fee Assessment for wireless telecommunications towers (See Section 20) New Construction and Other Zoning Fees

**H. Definitions:**

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

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

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

**Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

**Wireless Telecommunications Tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

**2. Sole Use On Lot**

<u>a. Lot Requirements</u>	<u>With Tower</u>	<u>Without Tower</u>
Minimum Lot Area	1 Acre	12,000 Sq. Ft.
Minimum Lot Width @ Bldg. Line	200 ft.	80 ft.
Minimum Front Yard Depth	*	40 ft.
Minimum Side Yard Depth	*	25 ft.
Minimum Rear Yard	*	40 ft.

\* Minimum Front, Side and Rear Yard shall be 1.5 times the tower height.

<u>b. Facility Requirements</u>	<u>Tower</u>	<u>Building</u>
Maximum Height	200 ft.	20 ft.
Maximum Building Area	Includes antenna	750 Sq. Ft.

- Minimum distance to any residential use or residential district line shall be 300 feet
- Fees calculated at the commercial building rate by the square footage length times the width, base of tower, guide wires and any associated buildings.

**c. Access Roads**

Permanent, unobstructed access roads meeting the same requirements as in Section 8 number 7.) In the zoning regulations, pavement, width, location, turnaround, culverts, ditching and demudding lot.

**3. Combined with another use:**

- a. The wireless telecommunication tower and facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- b. The development standards shall be the same as if the facility were a sole use on a lot.
 

Combined with an existing structure:

  - a. Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions;
    1. Maximum height - 20 feet or 20 % of the building height above the existing building or structure, whichever is greater.

Recorded Amendments  
Johnston Township  
Zoning Regulations

**Revised (7-6-88)**

Added to page 20: "Frontage must be measured along a dedicated road"

Dedicated Road - and Permanent Type Frost Free Perimeter Foundation added to page 26, section 25 under Definitions.

**Revised (8-10-88)**

Delete Paragraph 14 of Section 2, page 3: Therefore, be it resolved that the Board of Trustees of Johnston Township in accordance with Section 519.12 of the Ohio Revised Code.

(14) Automotive vehicles or trailers of any kind or type, that are not operable can be parked or stored on the rear portion of property for a total of twelve (12) months without a license or in a completely enclosed area with no time limit.

**Revised (9-13-90)**

Page 2, Section 2: Prohibited Uses.

(3) Dumping, storing, reducing, incineration or disposing of any chemical or medical waste or by-products. (Words added are underlined)

**Revised (1-5-91)**

Page 26: updated all zoning fees

**Revised (7-8-92)**

Drop the word (HARDSHIP) from page 3, Section 5: Classification of Uses. Page 15, Section 20: New Construction and Other Zoning Fees

**Addition (7-8-92)**

Page 9, Section 8: Gas, Oil and Mineral Exploration and Extraction. Added Seven (7) pages on same.

**Revised (7-8-92)**

Pages 11 & 12, Section 15: Rear Houses (5.5 acre parcel of land); Sixty (60) feet in width for rear housing.

**Revised (3-12-97)**

Pages 11 and 20: Increase minimum floor space for mobile homes and regular built homes to 936 square feet per

**Revised (3-11-98)**

Page 6, Section "MHP": Increase minimum floor space for mobile homes in mobile parks only to 936 sq. ft. to be in line with same revision of 3-12-97.

**Added (3-11-98)**

3 additional pages under Conditional Use on sexually orientated businesses.

**Addition (1-23-13)**

Section 8, Pages 33-36: Gas and Oil Regulations - added 4 pages

**Addition (10-17-14)**

Section 2, Pages 37-43: Under Prohibited Uses: Dog Control - added 7 pages

**MODEL OIL AND GAS DRILLING ZONING AMENDMENT FOR REGISTRATION  
AND PERMITTED REGULATION OF OIL AND GAS WELL DRILLING WITHIN  
THE TOWNSHIP**

The following is the proposed Zoning Text Amendment to the Johnston Township Zoning Resolution:

Article \_\_\_\_\_, Section 8 \_\_\_\_\_:

**OIL & GAS REGULATIONS:**

1. The Township recognizes that pursuant to Chapter 1509 of the Ohio Revised Code, the Division of Mineral Resources Management of the State of Ohio (DMRM) has the sole authority to regulate permitting, location and spacing of oil and gas wells in the State of Ohio as prescribed in said statutes. This Zoning Amendment supplements said regulations where permitted by law or not otherwise prohibited by law.
2. To maintain the health, safety and welfare of township residents, prior to commencement of drilling operations, registration with the Township Zoning Inspector is required.
  - A. There will be a non-refundable fee of \$300.00 payable to the Township for the required registration for Gas and Oil Wells.
  - B. There will be a non-refundable fee of \$3000.00 payable to the Township for the required registration for Injection Wells.
3. All registrations shall include the following information and/or documentation:
  - a. Property owner's name, mailing address and contact phone number;
  - b. The name, address and contact phone number of the person, corporation, partnership, joint venture or other legal entity conducting the drilling and/or extracting operations on the Owner's property site;
  - c. Site plan drawn to scale of the drilling and/or extraction site(s) showing the current property boundary lot lines, the proposed location(s) of the well drilling/extraction site(s), all permanent storage tanks, apparatus, appliances, equipment, utility installations, buildings, structures and other permanent items associated with the site(s);

- d. Copies of all required federal and state (DMRM) permits.
4. Separate registrations are required for each oil and gas well.
  5. No person, firm or corporation shall, within the limits of the Township, drill a new oil or gas well, drill an existing oil or gas well any deeper, or re-open an oil or gas well, convert an oil or gas well to any other than its original purpose, without first completing the required registration.
  6. Exploration and/or extraction of oil and gas, and the operation of wells shall be allowed in all districts as permitted by the Division of Mineral Resources Management of the State of Ohio (DMRM). No well shall be drilled nearer than five hundred (500) feet from any inhabited private dwelling house; nearer than five hundred (500) feet from any public building which may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or public occupancy. This does not apply to a structure or building which is incident to the agricultural use of the land on which it is located, unless such building is used as a private dwelling house or in the business of retail trade.
  7. All oil and gas wells, storage tanks and separator units shall not be placed any nearer than two hundred (200) feet of the right of way of a street or highway, or railroad tracks.
  8. Storage tanks, separators, well installations, and other permanent producing facilities shall be entirely enclosed by a six (6) feet high chain link fence. All fences shall be kept in good repair until the well is abandoned and tanks have been taken out of service. All gates shall be padlocked. Shipping valves that extend beyond the fence shall also be padlocked, with all locks at a given well utilizing a master key. Said storage tanks, etc., shall not be closer than seventy five (75) feet from any public right of way, fifty (50) feet from any property line, two hundred (200) feet from any private dwelling house, or five hundred (500) feet from any potable water well. Tanks may not exceed ten (10) feet in height, and must be painted and maintained.
  9. No tanks larger than two hundred ten (210) barrel oil tanks shall be permitted at an oil and/or gas well site at any time. All oil and/or gas storage shall be considered an integral part of the well and therefore subject to the minimum site regulations set forth here and within Chapter 1501:09 of the Ohio Administrative Code and Chapter 1509 of the Ohio Revised Code.
  10. Access to all wells and all support structures shall be by way of a driveway or access road which shall be constructed of slag, stone, or asphalt or concrete paving of a thickness sufficient to support the equipment used in the drilling operation. Driveways shall be a minimum of ten (10) feet wide, and must be of a thickness sufficient to prevent

displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). Permanent drives shall serve both well and tank sites. Temporary driveways shall have an approach not less than forty (40) feet wide at the road which tapers to thirty (30) feet at the road right of way, extending no less than one hundred (100) feet onto private property. Such temporary driveways shall be constructed of crushed aggregate, stone or slag and must be of a thickness sufficient to prevent displacement under anticipated loading (i.e.: the heaviest fire equipment owned or operated by the Township). All driveways and access roads shall have a metal gate or cable unless the property owner requests otherwise.

11. The above referenced driveway/access road shall have a culvert of sufficient diameter to carry all water coursing through the driveway and/or access roadside ditch, and shall be forty (40) feet long and a minimum of twelve (12) feet wide. The driveway must be a minimum of fifty (50) feet from roadway intersections, and a minimum of fifteen (15) feet from lot lines unless otherwise agreed upon by the property owners.
12. All pipelines shall be buried a minimum of thirty (30) inches deep. Pipelines crossing under roads shall be installed by the boring method, with a bore of at least three (3) feet below the flow lines of all ditches.
13. No saltwater or other liquid waste shall be deposited on township roads or property. Prior to the surface disposal of salt water or other liquid waste on privately owned property within the township, the well owner shall obtain a Liquid Waste Disposal permit from the State Director of Environmental Protection. A copy of the liquid waste disposal plan shall be part of the registration with the Township.
14. No loading or unloading of oil, water or other materials is to be made from the roadway. Blocking of the roadway is prohibited.
15. The drilling area shall be maintained in a neat and orderly condition and, so far as is practicable, all wheeled equipment is to be free of mud prior to entering the highway or road so that no deposit or debris is left on the highway or road. The drilling company shall be responsible for maintenance of the immediate well area and its associated facilities. This maintenance shall include trash and debris removal, landscaping and any necessary clean up in the case of a well malfunction. Restoration landscaping shall be completed within sixty (60) days after drilling operations have been completed.
16. No cleat track vehicle are allowed on township roads, except in cases of emergency or by advance written permission of the Township.
17. In addition to the registration information provided, the Owner and/or well driller shall post a conspicuous sign at the well site that includes the name(s) and emergency contact

phone number(s) of the person(s) to contact, along with other pertinent information to aid safety forces in the event of an emergency.

18. All pertinent emergency shut-off valves shall be painted red and shall indicate the direction for turning said valve on and off.
19. After drilling and fracturing stages are completed, the site shall be graded and landscaped to closely resemble the pre-existing condition of the site within sixty (60) days of completion of the drilling/fracturing operation.
20. The property owner or legal entity conducting the oil and gas drilling and/or extraction operations on the owner's property site, shall enter into and execute a Road Use and Maintenance Agreement. Upon execution of said Agreement, a copy of the Road Use and Maintenance Agreement will be filed with the Trumbull County Engineer's Office by the township.
21. Any and all temporary structures, for offices, storage or housing must be removed, not to exceed 60 days, at the completion of the drilling operation



## **SECTION 2: PROHIBITED USES**

**WHEREAS**, the State of Ohio has granted Townships the authority in Ohio Revised Code Section 955.221 to pass resolutions to control dogs, including but not limited to, resolutions concerning the ownership, keeping, or harboring of dogs, the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety and welfare.

### **19) DOG CONTROL, DANGEROUS AND VICIOUS DOGS:**

#### **SECTION 1: DEFINITIONS**

A. As used in this section:

1. (a) "Dangerous dog" means a dog that, without provocation, and subject to division 1 (b) of this section, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harborer and not under the reasonable control of its owner, keeper, harborer, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top  
  
(b) "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties
2. "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person
3. "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties
4. (a) "Vicious dog" means a dog that, without provocation and subject to division (4)(b) of this section, meets any of the following:
  - (i) Has killed or caused serious injury to any person;
  - (ii) Has caused injury, other than killing or serious injury, to any person, or has killed another dog
  - (iii) The ownership keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog
- (b) "Vicious dog" does not include either of the following:
  - (i) A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties

(ii) A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog

- 5, "Without provocation" means that a dog was not teased, tormented, or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity
6. Upon the transfer of ownership of any dog, the seller of the dog shall give the buyer a transfer of ownership certificate that shall be signed by the seller. The certificate shall contain the registration number of the dog, the name of the seller, and a brief description of the dog. Blank forms of the certificate may be obtained from the county auditor. A transfer of ownership shall be recorded by the auditor upon presentation of a transfer of ownership certificate that is signed by the former owner of a dog and that is accompanied by a fee of twenty-five cents
7. Prior to the transfer of ownership or possession of any dog, upon the buyer's or other transferee's request, the seller or other transferor of the dog shall give to the person a written notice relative to the behavior and propensities of the dog.
8. Within ten (10) days after the transfer of ownership or possession of any dog, if the seller or other transferor of the dog has knowledge that the dog is a dangerous or vicious dog, he shall give to the buyer or other transferee, the board of health for the district in which the buyer or other transferee resides, and the dog warden of the county in which the buyer or other transferee resides, a completed copy of a written form on which the seller shall furnish the following information:
  - a. The name and address of the buyer or other transferee of the dog
  - b. The age, sex, color, breed, and current registration number of the dog

In addition, the seller shall answer the following questions which shall be specifically stated on the form as follows:

- "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred"
- "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred"
- "Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred"

The dog warden of the county in which the seller resides shall furnish the form to the seller at no cost.

9. No seller or other transferor of a dog shall fail to comply with the applicable requirements of this section

## SECTION 2: CONTROL AND RESTRAINT

1. As used in this section, "dangerous dog" and "vicious dog" have the same meaning as in Section 1 of this Resolution
2. No owner, keeper or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger, at any time if the dog is in heat, unless the dog is properly on a leash
3. Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, harbinger, or handler of any dog shall fail at any time to do either of the following:
  - (i) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger, or property of another with their permission, by an adequate leash, tether, fence, supervision or secure enclosure to prevent escape
  - (ii) Keep the dog under the reasonable control of some person
4. Except when a "dangerous dog" or a "vicious dog" is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, harbinger, or handler of any dog shall fail at anytime to do either of the following:
  - (i) While that dog is on the premises of the owner, keeper or harbinger, securely confine said dog at all times in a locked pen which has a top and a concrete floor, in a locked fenced yard, or other locked enclosure that has a top and is constructed in a manner to prevent the dog from escaping under the fence or enclosure, except that a dangerous dog may, in the alternative be tied with a chain link leash or tether of sufficient strength so that the dog is adequately restrained:
  - (ii) While that dog is off the premises of the owner, keeper or harbinger, keep that dog on a chain link leash or tether of adequate strength that is not more than six (6) feet in length and **additionally does at least one** of the following:
    1. Keep that dog in a locked pen which has a top, concrete floor, locked fenced yard, or other locked enclosure with top
    2. Have the leash or tether controlled by a person who is of suitable age and discretion, or securely attach, tie, or affix the leash or tether to the ground or a stationery object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog to prevent it from causing injury to any person
    3. Muzzle that dog
5. The owner, keeper or harbinger of a vicious dog shall give written notice that such a dog is located on his property to all adjacent and contiguous property owners and/or residents and shall register the dog with the township zoning inspector during business hours, with proof of the county dog license, rabies inoculation record and liability insurance, as provided below

6. No owner, keeper or harbinger of a vicious dog, shall fail to obtain liability insurance with an insurer authorized to write liability insurance in the State of Ohio, providing coverage for each occurrence, subject to a limit exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) for damage or bodily injury to or death of a person caused by the vicious dog. The owner, keeper or harbinger of a vicious breed of dog shall in addition to the one hundred thousand dollar (\$100,000.00) liability insurance, shall maintain a one million dollar (\$1,000,000.00) Umbrella Liability Insurance Policy. Proof of said insurance shall be made to the zoning inspector upon registration, or request of the zoning inspector.
7. No person shall do any of the following:
  - a. De-bark or surgically silence a dog that the person knows or has reason to believe is a vicious dog
  - b. Possess a vicious dog if the person knows or has reason to believe that the dog as been de-barked or surgically silenced
  - c. Falsely attest on a waiver form provided by the veterinarian under part 8, below that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form
8. Before a veterinarian de-barks or surgically silences a dog, the veterinarian may give the owner of the dog a written waiver form that attests that dog is not a vicious dog. The waiver form shall include all of the following:
  - a. The veterinarian's license number and current business address
  - b. The number of the dog's license
  - c. A reasonable description of the age, coloring and gender of the dog, as well as any notable markings on the dog
  - d. The signature of the dog's owner attesting that the dog is not a vicious dog
  - e. A statement that division F of Ohio Revised Code Section 955.22 prohibits any person from doing any of the following:
    - (i) De-bark or surgically silence a dog that the person knows or has reason to believe is a vicious dog
    - (ii) Possess a vicious dog if the person knows or has reason to believe that the dog has been de-barked or surgically silenced
    - (iii) Falsely attest on a waiver form provided by the veterinarian under Division 8 of this section that the person's dog is not a vicious dog or otherwise provide false information on that written waiver form

9. It is an affirmative defense to a charge of a violation of division 7 of this section that the veterinarian who is charged with the violation obtained, prior to de-barking or surgically silencing the dog, a written waiver form that complies with division 8 of this section and that attests that the dog is not a vicious dog
10. It shall be prima facie evidence that a dog is not under the required control if such a dog chases, injures, menaces or kills any person or domestic animal or commits any nuisance upon property other than that of its owner, keeper or harbinger
11. In the event of a nuisance complaint notification of the county animal protection agency or humane society must be made

### **SECTION 3: BARKING AND NOISY DOGS**

No person shall keep or harbor any dog that howls, yelps, or barks or emits audible sounds which are unreasonably loud or disturbing and persistent in intensity and duration so as to disturb the peace and quiet of the neighborhood or to be detrimental to the life, health and safety of any individual. Such howling, yelping or barking shall be deemed a violation of this section if the howling, yelping or barking is audible outside the premises of the locations of said dog, and persists continually for a period of five (5) minutes or more between the hours of 8:00 p.m. and 8:00 a.m. and for a period of ten (10) minutes or more from 8:00 a.m. to 8:00 p.m.

This section shall not apply to the incidental or intermittent howling, yelping or barking of a dog in response to the presence of a guest, trespasser or other animal in the presence of the dog; or to alert the owner of said dog to an impending threat or danger, or injury of the dog.

### **SECTION 4: UNSANITARY CONDITIONS**

No person shall keep or harbor any dog in the township so as to create noxious or offensive odors, or unsanitary conditions which adversely impact the health, comfort or safety of the public.

### **SECTION 5: DAMAGE TO PROPERTY**

1. Any owner, keeper, or harbinger of any dog that injures or damages public property or private property of someone other than that of the dog's owner, keeper or harbinger, shall be strictly liable to the injured or damaged party
2. No owner, keeper, or harbinger of any dog that defecates upon property of another shall fail to immediately remove any and all feces deposited by such dog from the property of another, including public parks and/or other public property. The owner or person having charge of such dog shall immediately dispose of such feces in a sanitary manner

### **SECTION 6: PROHIBITION OF CERTAIN VICIOUS BREEDS**

The keeping and harboring of any cross or mix breed of a wolf and dog shall constitute a nuisance and threat to the health and safety of the general public and shall be prohibited.

## **SECTION 7: EXEMPTIONS**

This Resolution shall **NOT** apply to:

1. The owner or person in charge of a dog that is assisting a blind, deaf or handicapped person and such person is either unaware that the dog's activities are in violation of the Resolution or is unable to comply with this Resolution, **EXCEPT** for a dangerous or vicious dog, in which case this Resolution shall fully apply
2. Law enforcement personnel in charge of a dog which is assisting such personnel in the performance of official duties
3. A dog lawfully engaged in hunting or legitimate training for the purpose of hunting while accompanied by and under the control of a licensed hunter

## **SECTION 8: DUTIES WHEN A DOG BITES A PERSON**

1. No person shall remove a dog that has bitten any person from the county in which the bite occurred until a quarantine period as specified in this section has been completed. No person shall transfer a dog that has bitten any person until a quarantine period as specified in this section has been completed, except that a person may transfer the dog to the county dog warden or to any other animal control authority.
2. No person shall kill a dog that has bitten any person until a quarantine period as specified in this section has been completed.
  - a. This section does not apply to the killing of a dog in order to prevent further injury or death, or if the dog is diseased or seriously injured.
3. No person who has killed a dog that has bitten any person in order to prevent further injury or death, or if the dog is diseased or seriously injured shall fail to do both of the following:
  - a. Immediately after the killing of the dog, notify the board of health for the district in which the bite occurred of the facts relative to the bite and the killing
  - b. Hold the body of the dog until that board of health claims it to perform tests for rabies
4. The quarantine period for a dog that has bitten any person shall be ten (10) days or another period that the board of health for the district in which the bite occurred determines is necessary to observe the dog for rabies
5. To enable persons to comply with the quarantine requirements specified in this section, boards of health shall make provision for the quarantine of individual dogs under the circumstances described in those divisions
6. Upon the receipt of a notification pursuant to this section that a dog that has bitten any person has been killed, the board of health for the district in which the bite occurred shall claim the body of the dog from its killer and then perform tests on the body for rabies

7. This section does not apply to a police dog that has bitten a person while the police dog is under the care of a licensed veterinarian or has bitten a person while the police dog is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If, after biting a person, a police dog exhibits any abnormal behavior, the law enforcement agency and the law enforcement officer the police dog assists, within a reasonable time after the person is bitten, shall make the police dog available for the board of health for the district in which the bite occurred to perform tests for rabies

8. As used in this section, "police dog" has the same meaning as in Ohio Revised Code Section 2921.321, and Section 1, number 3 of this Resolution

### **SECTION 9: PENALTIES**

1. Any violation of the Resolution shall result in a minor misdemeanor, punishable by a fee of up to \$100.00. Each day of continued violation may ultimately constitute a separate offense.
2. In addition, the Court may, in its discretion, order the offender to personally supervise the dog that the offender owns, keeps or harbors, to cause the dog to complete obedience training, or do both. Alternatively, the Court may, in its discretion order the dangerous dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society

\* This amendment is listed under Section 2, Item #19 and is listed on page 37-43 of the Johnston Township Zoning Regulations.

